Town of Arlington

Select Board

Report to 2026 Annual Town Meeting

John V. Hurd

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Jane P. Morgan

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Monday, April 27, 2026

8:00p.m.

Introduction and Overview

The Select Board is pleased to present its report to Town Meeting of its main motions under the following articles. These votes are the result of hearings the Board conducted between February 12th and March 30th, during which time the Board heard public comment from proponents and opponents of the various articles.

The objective of Select Board Warrant Article Hearings is to develop the Board's recommendations for each article before it by majority vote, to be set forth with the comments in the Select Board Report in advance of Town Meeting. Where the Board supports taking some action contemplated by an article, regardless of how it appears before the Board, the Select Board, with assistance of Town Counsel, shall develop a motion for Town Meeting to take a specific action. Where the Board opposes an article, it will recommend a vote of "no action" to Town Meeting in its report.

The Board is pleased to welcome back Diane M. Mahon as a re-elected member and to welcome Joseph Solomon as the newest member of the Select Board. The Board thanks Town Meeting members for their service and for their willingness to give fair and serious consideration to all the important issues raised by the various articles. The Board wishes Town Meeting well in its deliberations and stands ready to respond to any questions or comments concerning these articles.

Please note that where necessary for clarity, new or additional language in an amended Town Bylaw has been **bold and underlined**, while removed language is denoted by ~~strikethrough.~~

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ARTICLE 6 REMOVAL OF A PUBLIC SHADE TREE

To see if the Town will vote to remove a public shade tree which is a nuisance and is blocking the safe and clear passageway to the existing driveway at 53 Churchill Avenue, Arlington, MA. The existing driveway was permitted, built and approved by the Town of Arlington. The said nuisance tree is a safety issue and prevents the safe and normal turning radiuses when entering and existing the driveway. An expert traffic report has deemed the tree to be a hazard to the residents, to the oncoming vehicular and general public nearby; or take any action related thereto.

(Inserted at the request of Paul Pandolfo and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: The Board voted unanimously that no action be taken on this article.

An appeal seeking approval for the removal of a public shade tree is a matter solely within the Board's jurisdiction under state law (G.L. c. 87, § 14). For the tree that is the subject of this warrant article, the Board held a tree hearing on December 8, 2025. During the hearing, the Board learned that in approving the proponent's request in July, 2025 for a street occupancy and trench permit for the expansion of his driveway, the Town inserted a condition prohibiting any damage to the public shade tree at issue here or its root system. The proponent agreed to this condition through his acceptance of the trench permit. Shortly after completing the driveway expansion, however, the proponent requested permission to remove the tree. Based on the foregoing, as well as after hearing from several residents who spoke against the tree's removal, the Board denied the proponent's appeal.

Finally, as to that portion of the proponent's request that seeks the Select Board to reconsider its decision, Chapter 87 does not provide for reconsideration of a previously rendered decision.

ARTICLE 7 BYLAW AMENDMENT / ARLINGTON COMMISSION FOR ARTS AND CULTURE ADMINISTRATIVE UPDATES

To see if the Town will vote to amend Title II, Article 8 of the Town Bylaws to make administrative updates, including to membership processes and procedures, for the Arlington Commission for Arts and Culture; or take any action related thereto.

(Inserted at the request of the Arlington Commission for Arts and Culture and the Department of Planning and Community Development)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: Through this article, the proponents seek to amend the Town Bylaws to allow for the appointment of non-residents to committees of the Arlington Commission for Arts and

Culture (ACAC). In addition, the proponents request a change in the appointing authority of one of the Core Committee member appointments from the Cultural District Managing Partnership, which no longer exists as a stand-alone entity, to an additional at-large member recommended by the Town Manager and appointed by the Select Board. The Board supports both proposed changes.

The Board agrees with the proponents that in some cases, it may be appropriate to appoint a non-resident of Arlington to an ACAC Committee. Specifically, although there are members of the Arlington business community or non-profit arts community who are Arlington residents and are willing to serve, there are also willing and capable non-residents of those communities who are invested in the Town's arts and cultural scene who could make valuable contributions to the Commission.

RECOMMENDED VOTE:

That the Town does and hereby amends Title II, Article 8, Sections 2 and 3 of the Town's Bylaws, so that the new Sections read:

Section 2. Core Committee Membership, Quorum, Administration & Organization

A. The Core Committee shall consist of up to 13 voting members appointed pursuant to subsection (1) below and a liaison from the Dept. of Planning and Community Development. A quorum shall consist of a majority of the current voting Core Committee Members, and all actions shall be made pursuant to a majority vote of members in attendance. The Committee shall organize for the conduct of its affairs and shall elect its own officers. **Members of the Core Committee may be non-residents of the Town of Arlington**.

1. Core Committee Appointments and Membership

a. Core Committee members shall be sourced from, or appointed by the following:

i. One (1) at-large member appointed by the Arlington School Committee for an initial three-year term;

~~ii. One (1) member of the Cultural District Managing Partnership or their designee;~~

~~iii.~~**ii.** One member of the Grants Committee set forth in section 3 below;

~~iv.~~ **iii.**One member of up to four (4) action committees set forth in section 3 below;

~~v.~~ **iv.**~~Three~~**Four** ~~(3)~~**(4)** at-large members recommended by the Town Manager and appointed by the Select Board, one of which shall serve an initial one-year term, one to serve an initial two-year term, and one of which to serve an initial three-year term;

~~vi.~~ **v.** One (1) representative of the Town of Arlington business community for an initial one-year term appointed by the Town Manager;

~~vii.~~ **vi.** One (1) representative of the Town of Arlington's non-profit arts community for an initial two-year term appointed by the Town Manager;

~~viii.~~ **vii.** One (1) representative of the local community of working artists for an initial three-year term appointed by the Town Manager;

~~ix.~~**viii.** The Director of Planning and Community Development, or their designee shall serve as a Department liaison to the Core Committee.

b. All appointed Core Committee members shall be eligible for reappointment for a three-year term.

c. Members may be removed by the appointing authority upon request of a majority of the Commission for three or more unexcused absences from Commission meetings in any calendar year.

d. A vacancy of an appointed Core Committee seat shall be filled by the Select Board, School Committee, or Manager consistent with the foregoing.

Section 3. Grants Committee, Other Action Committees & Ad Hoc Committees

A. Grants Committee. The Arlington Cultural Council shall hereafter operate as the Grants Committee of the Arlington Commission for Arts and Culture.

1. The Grants Committee shall identify arts and culture grant opportunities for the Town and its communities, apply for such grants, and where appropriate, distribute such funds.

2. The Grants Committee shall also serve as the Local Cultural Council for the purposes of G.L. c. 10 § 58.

3. The Grants Committee shall be organized, appointed, and administered consistent with the requirements of c. 10 § 58.

4. All members of the Arlington Cultural Council serving at the time of passage of this bylaw shall continue the remainder of their appointed terms.

5. Members of the Grants Committee may be non-residents of the Town of Arlington.

B. Action Committees

The Core Committee may establish and/or disband up to four (4) additional action committees in the areas of operations listed below to be composed and organized as directed by the Core Committee, including the number of members and such members' terms of service. **Members of action committees may be non-residents of the Town of Arlington**.

1. Public Art

2. Programs and Festivals

3. Marketing and Evaluation

4. Resource Development

C. Core Committee Representation

As set forth in section 2, one member of the Grants Committee and one member of each other active action committee shall serve on the Core Committee.

D. The Core Committee may also establish or disband any necessary ad hoc committees and advisory groups as needed, but such groups shall not be represented on the Core Committee. **Members of the Ad Hoc committees may be non-residents of the Town of Arlington**.

ARTICLE 8 BYLAW AMENDMENT / REGULATION OF OUTDOOR LIGHTING

To see if the Town will vote to amend Title V, Article 14 of the Town Bylaws ("Regulation of Outdoor Lighting") to update the standards for outdoor lighting to comport with the 2024 Dark Skies International model bylaw; or take any action related thereto.

(Inserted at the request of the Department of Planning and Community Development)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: At its initial hearing on this article, the Board heard from the Town's Environmental Planner about the long-term advantages of making this update. After the hearing, the Board received additional information from the Town Manager indicating that implementation of the proposed bylaw amendment could result in significant expenses, including the need to purchase and annually calibrate new equipment, seek specialized employee training, as well as personnel costs. Since there is already an outdoor lighting policy in the town's bylaws, the Board believes it would be better to hold off any updates until all of the cost-related implications of the proposed changes can be vetted by impacted

parties, especially the town's Inspectional Services Department. Accordingly, the Board voted unanimously that no action be taken on this article.

ARTICLE 9 BYLAW AMENDMENT / NATIVE PLANTING ON PUBLIC LANDS

To see if the Town will vote to amend Title IV - Public Areas, to create Article 6 Native Planting on Public Lands; or take any action related thereto.

(Inserted at the request of the Department of Planning and Community Development)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: The Board voted unanimously to recommend that no action be taken on this article. The intended purpose of this proposed bylaw, which would apply only to town plantings on town owned land, is to encourage the use of native vegetation so that the expected benefits of establishing and protecting native vegetation for species conservation, ecological restoration and climate change mitigation may be realized.

At its initial hearing, the Board expressed general support for the use of native or climate adaptive plants on town owned property. The Board was divided, however, whether the prescribed use of specific plants on town properties by town departments could be done as a policy matter rather than through a bylaw. Following the hearing, the Board received a request from the article's proponent, the Director of Planning and Community Development, requesting that the Board consider a vote of no action because, upon further reflection, it was believed the goals of this article could be best accomplished by town policy in conjunction with the Town Manager, rather than as a bylaw. Based on this request, the Board voted to recommend no action.

ARTICLE 10 BYLAW AMENDMENT / WETLANDS PROTECTION

To see if the Town will vote to amend Title V, Article 8 of the Town Bylaws ("Wetlands Protection") to update the penalties for violation, adjust the fee schedule, and make certain clerical changes to increase the Bylaw's effectiveness and clarity; or take any action related thereto.

(Inserted at the request of the Conservation Commission)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The Board supports the request of the Conservation Commission to update several areas of the Town's Wetlands Protection Bylaw. The proposed changes include transferring the list of fees and fee structure from the Town's bylaws to the Conservation Commission's wetland regulations and other administrative changes. The Board notes that the Conservation Commission recommended the proposed changes after consultation with

the Massachusetts Department of Environmental Protection.

RECOMMENDED VOTE:

That the Town does and hereby amends Title V, Article 8 of the Town's Bylaws so that the Section reads:

ARTICLE 8
WETLANDS PROTECTION
(ART. 77, ATM – 05/15/00)
(ART. 10, ATM - / /26)

SECTION 1. PURPOSE

The purpose of this Wetlands Protection Bylaw is to protect the wetlands, water resources, and adjoining land areas in Arlington by controlling activities deemed by the Conservation Commission likely to have a significant or cumulative effect upon resource area **interests and** values, including but not limited to, the following: public or private water supply, groundwater supply, flood control, erosion control and sedimentation control, storm damage prevention, other water damage prevention, prevention of pollution, protection of surrounding land and other homes or buildings, ~~**wildlife protection**~~ **wildlife species and individuals**, plant or wildlife habitat, aquatic species and their habitats, **mitigating the negative impacts of climate change, resilience to the impacts of climate change,** and the natural character or recreational ~~**values**~~ **functions** of the wetland resources (collectively, the "resource area **interests and** values protected by this Bylaw"). This Bylaw is intended to utilize the Home Rule authority of this municipality to protect additional resource areas, for additional **interests and** values, with additional standards and procedures stricter that those of the Wetlands Protection Act (G.L. c. 131, § 40) and Regulations thereunder (310 CMR 10.00).

SECTION 2. DEFINITIONS

The following definitions shall apply in the interpretation and implementation of this Bylaw:

- **A. "Abutter" shall mean the owner of any land within 100 feet if the property line of the land where the activity is proposed, as determined by the most recent assessors' records including any land located directly across a street, river, stream or pond, or municipal boundary that is within 100 feet of the property line of the land where the activity is proposed. For activities proposed within Land under Water Bodies or within a public right-of-way, an "abutter" shall mean the owner of any land within 100 feet of the project's limits of work.**
- **B. "Alter" shall mean to change the conditions of any area subject to protection by this Bylaw and shall include but not be limited to one or more of the following actions upon the resource areas protected by this Bylaw:**
  1. **fill, removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;**
  2. **changing of pre-existing drainage characteristics, flushing**

characteristics, salinity distribution, sedimentation patterns, flow patterns or flood storage retention areas;

3. drainage, disturbing or lowering of the water level or water table;
4. the dumping, discharging or filling with any material which could degrade the water quality;
5. driving of pilings, erection of buildings or structures of any kind;
6. placing of any object or obstruction whether or not it interferes with the flow of water;
7. destruction, extensive trimming (defined as 20% or more of limbs or growth), or removal of natural or planted plant life, vegetation, or trees;
8. changing of water temperature, biochemical oxygen demand, nutrient concentration, chemical concentration, or other characteristics of the receiving water;
9. any activities, changes or work which pollutes any stream or body of water, whether located in or out of the Town of Arlington;
10. application of pesticides and herbicides;
11. any activity, change or work with adversely effects groundwater or drinking water supply;
12. any activity, change or work which adversely impacts the ability of the resource area to be resilient to climate change impacts; or
13. any incremental activity that has or may have an adverse cumulative effect on the interests and values protected by the Bylaw.

C. "Applicant": shall mean a person filing a Request for Determination of Applicability, Notice of Intent, or other application with the Commission.
D. "Bank" shall be defined as the portion of the land surface which normally abuts and confines a water body, often between the mean annual low flow level and the first observable break in the slope or the mean annual flood level, whichever is lower;
E. "Bordering" shall be defined to include any land within either of the following or the greater thereof:
    1. 100 feet horizontally lateral from the edge of any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake; or
    2. Within the maximum lateral extent of the water elevation of the statistical 100-year frequency storm.
F. "Bordering Land Subject to Flooding" shall mean the land within the estimated or observed maximum lateral extent of flood water which will theoretically result or has resulted from the statistical 1%-annual-chance flood; said boundary shall be determined by reference to the most recently available flood profile data prepared for the Town of Arlington within which the work is proposed under the Federal Emergency Management Agency's Natural Flood Insurance Program ("NFIP"). Said boundary, so determined, shall be presumed accurate. This presumption may be overcome only by credible evidence from a registered professional engineer or other professional competent in such matters.

Notwithstanding the foregoing, where NFIP profile data is unavailable or is determined by the Commission to be outdated, inaccurate, or not reflecting the current conditions, the boundary of Bordering Land Subject to Flooding shall be the maximum lateral extent of floodwater which has been observed or recorded, or other evidence presented and considered by the Commission.

G. "Cumulative Effect" shall mean an effect that is significant when considered in combination with other activities that have occurred, are going on simultaneously, or that are likely to occur, whether such other activities have occurred or are contemplated as a separate phase of the same project, such as the build-out of a subdivision or an industrial park, or unrelated but reasonably foreseeable actions, including other development projects that are currently under construction, under review or that may be expected to come forward.

H. "Groundwater" shall mean all subsurface water contained in natural geologic formations or artificial fill including soil water in the zone of aeration. Activities within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

I. "Isolated Land Subject to Flooding" shall mean an isolated depression or closed basin without an inlet or an outlet. It is an area which at least once a year confines standing water to an average depth of at least six inches and has a surface area of 1,000 square feet or greater. Isolated Land Subject to Flooding may be underlain by pervious material, which in turn may be covered by a mat of peat or muck.

J. "Permit" shall mean the document issued by the Conservation Commission pursuant to this Bylaw which allows work in accordance with conditions set by the Commission in the resource areas protected by this Bylaw.

K. "Person" shall include any individual, group of individuals, associations, partnerships, corporations, business organizations, trust, estate, Commonwealth of Massachusetts when subject to Town Bylaws, any public or quasi-public corporation or body when subject to Town Bylaws or any other legal entity, including the Town of Arlington or its legal representative, agents or assigns.

L. "River" shall mean any natural flowing body of water that empties to any ocean, lake, pond, reservoir, stream, or other river.

M. "Riverfront Area" shall mean the area of land between a river's or perennial stream's mean annual high-water line and a parallel line measured 200 feet horizontally landward of the mean annual high-water line.

N. "Wildlife Habitat" shall mean the area being used by or necessary to provide breeding or nesting habitat, shelter, food, and water for any animal species.

Additional Definitions: The Conservation Commission may in its rules and regulations provide such other definitions, or terms used in this Bylaw, as it deems useful in order to administer or carry out its obligations under this Bylaw. Except as otherwise provided in this Bylaw or in regulations of the Commission,

the definitions of terms in this Bylaw shall be set forth in the Wetlands Protection Act (G.L. c. 131, §40) and Regulations (3.10 CMR 10.00).

SECTION ~~2~~ **3.** JURISDICTION

Except as permitted by the Conservation Commission or as provided in this Bylaw, no person shall remove, fill, dredge, discharge into, build upon, degrade or otherwise alter any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake, or any bank to said waters, or any land under said waters, or any land bordering thereon or riverfront area as hereinafter defined, or any land subject to flooding or inundation (collectively, "the resource areas protected by this Bylaw" or "resource areas")

SECTION ~~3~~ **4.** EXEMPTIONS

The application procedure and permit required by this Bylaw shall not apply to emergency projects necessary for the protection of health and safety of the public provided that: the work is to be performed by or has been ordered to be performed by an agency of the commonwealth or a political subdivision thereof; advanced oral or written notice has been given to the Commission prior to commencement of work or within 24 hours after commencement of said work; the Commission or its agent certifies the work as an emergency project; the work is performed only for the time and place certified by the Commission for the limited purposes necessary to abate the emergency; the work not be undertaken for a period of more than 30 days; and within 21 days of commencement of an emergency project a permit application shall be filed with the Commission for review as provided by the Bylaw.

Upon failure to meet these and other requirements of the Commission, the Commission may, after notice and public hearing, revoke or modify an emergency project approval and order restoration and mitigation measures, and/or take enforcement action.

SECTION ~~4~~ **5.** APPLICATION FOR AND ISSUANCE OF ADMINISTRATIVE REVIEW, DETERMINATION OF APPLICATION, OR PERMIT

Each Request for Determination of Applicability, Notice of Intent or other appropriate application shall be submitted in writing on the application form and in a manner specified by the Commission and accompanied by a filing fee to be determined in accordance with the fee ~~schedule in Section 15 of this Bylaw, payable to the "Town of Arlington"~~ **schedule specified within the Arlington Regulations for Wetlands Protection**. The application shall include such information and plans as are deemed necessary by the Commission to describe the proposed activities and their effect on the resource areas and resource area **interests and** values protected by this Bylaw. No activity shall commence without receiving and complying with a permit or determination of applicability or other decision issued by the Commission pursuant to this Bylaw.

Upon submitting any such application to the Commission, the applicant grants the

Conservation Commission and its agent(s), permission to enter upon land, at reasonable times, on which the proposed work is to be done without liability of any kind for the purpose of performing any duties in connection with this Bylaw. If the applicant is not the owner of said land, the applicant shall obtain and furnish to the Commission such permission in writing from the owner(s) of said land.

Such Notice of Intent or Request for Determination of Applicability or other appropriate application may be submitted before any or all permits, variances and approvals required by the Zoning Bylaw or by the Board of Survey or by the Regulations of the Arlington Redevelopment Board thereunder have been obtained.

The Commission may combine the permit or determination of applicability or other action on an application issued under this Bylaw with an Order of Conditions or Determination of Applicability or other action issued by the Commission under the Wetlands Protection Act.

A. ADMINISTRATIVE REVIEW

Projects that are simple, small in scale, minor, or routine, or involve very little activity or alteration of Resource Areas protected by the Bylaw and are not likely to have a significant or cumulative effect on the interests and values protected by the Bylaw may be reviewed and approved by the Conservation Agent rather than the full Commission. If a project meets the criteria for Administrative Review as specified in the Arlington Regulations for Wetlands Protection, the Applicant may apply for Administrative Review. The Administrative Review process is defined in the Arlington Regulations for Wetlands Protection, and work may be approved or denied under this process by the Conservation Agent. If the Conservation Agent has any doubt that a project meets the criteria, the Applicant shall be required to file a Request for Determination of Applicability or a Notice of Intent.

~~A.~~ **B.** DETERMINATION OF APPLICABILITY

Upon written request of any person (known as a "Request for Determination of Applicability"), the Conservation Commission shall hold a public hearing within 21 days to make a determination as to whether this Bylaw is applicable to any land or work thereon which is the subject of such request, and within 21 days of the close of said hearing shall issue a written determination (known as a "Determination of Applicability").

Where such person making a request for determination of applicability is other than the owner of the subject land, notice of any such request for determination shall be sent to the owner(s) of said land by the person making such request; such person shall certify in writing to the Commission that the landowner(s) has received such notification.

A Determination of Applicability shall be valid for three years from date of issuance and may not be extended or renewed.

~~B.~~ C. NOTICE OF INTENT & PERMIT

No person shall remove, fill dredge, build upon, degrade or otherwise alter any of the resource areas protected by this Bylaw without first filing~~, by certified mail~~ a written Notice of Intent to do so, and, without receiving and complying with a Permit issued by the Commission, unless the Commission has determined that this Bylaw does not apply to such work. The Notice of Intent shall include such information and site plans and location plans as may be necessary in the full discretion of the Commission to fully describe and ascertain such proposed activity and its ~~affect~~ **effect** on the resource areas and resource area **interests and** values protected by this Bylaw.

Within 21 days of receiving a Notice of Intent, the Commission shall hold a public hearing on said application.

If the Commission after a public hearing determines that the area(s) on which the proposed work which is subject of the application is likely to individually significantly harm or cumulatively effect the resource area **interests and** values protected by this Bylaw, the Commission shall, within 21 days of the close of the hearing, issue or deny a permit for such work. If it issues a permit, the Commission shall impose conditions which the Commission deems necessary or desirable to protect those **interests and** values, and all activities shall be done in accordance with those conditions. The conditions may include a condition that certain land or portions thereof not be built upon or altered, filled or dredged, and that streams not be diverted, dammed or otherwise disturbed. The Commission may deny a permit for failure to meet the requirements of this Bylaw; for failure to submit necessary information and plans requested by the Commission; for failure to meet the design specifications, performance standards or other requirements in regulations or policies of the Commission; for failure to avoid or prevent unacceptable significant or cumulative effects upon the resource area **interests and** values of this Bylaw; or where no conditions are adequate to protect said **interests and** values.

To prevent resource area loss, the Commission shall require applicants to avoid resource area alteration wherever feasible; shall minimize resource area alteration; and, where alteration is unavoidable, shall require full mitigation.

The Commission may authorize or require replication of resource area as a form of mitigation, but only with adequate security, professional design, and monitoring to assure success, because of the high likelihood of failure of replication.

Riverfront area as defined herein and land bordering on any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake (hereinafter "bordering land") are presumed to be important to the protection of these resources because activities undertaken in close proximity to these resource areas have a high likelihood of adverse impact upon the resources, either immediately, as a consequence of construction, or over time, as a consequence of daily operation or existence of the activities. These adverse

impacts from construction and use can include, without limitation, erosion, siltation, loss of groundwater recharge, poor water quality, and loss of wildlife habitat.

The Commission therefore may require that the applicant maintain a strip of continuous, undisturbed vegetative cover within the 200-foot riverfront area or bordering land.

In the review of activities proposed in riverfront area or bordering land, no permit issued hereunder shall permit any activities unless the applicant, in addition to meeting the otherwise applicable requirements of this Bylaw or regulations hereunder, has proven by a preponderance of the evidence that (1) there is no practicable alternative to the proposed work or project with less adverse effects, and that (2) such activity, including proposed mitigation measures, will have no significant adverse impact on the resource areas or resource area **interests and** values protected by this Bylaw. The Commission shall regard as practicable an alternative which is reasonably available and capable of being done after taking into consideration the proposed property use, overall project purpose (e.g., residential, institutional, commercial, or industrial purpose), logistics, existing technology, costs of the alternatives, and overall project costs.

A permit shall expire three (3) years from the date of issuance. ~~A permit may be renewed~~ **The Conservation Commission may extend a permit no more than once** for **a period of** up to **an additional** three years ~~provided that a~~ **from the date of issuance**. ~~a~~ **The** request for ~~a renewal~~ **an extension shall be made** ~~is received~~ in writing ~~by~~ **to** the Commission not less than 30 days prior to expiration **of the permit. Permits may be extended only by vote of the Commission at a public hearing. Should said public hearing be continued past the date of the expiration of the permit, the expiration date shall be stayed to the date on which the Commission votes whether to extend the permit.** The Commission may deny the request for an extension and require ~~a new Notice of Intent~~ **the filing of a new application for permit for the remaining work** in the following circumstances:

1. where no work has begun on the project, **except where such failure is due to an unavoidable delay, such as appeals** ~~and~~ **or in the obtaining of other necessary permits**;
2. where new information, not available at the time the permit was issued, has become available and indicates that the permit is not adequate to protect the resource area **interests and** values ~~protected by~~ **identified in** this Bylaw;
3. where incomplete work is causing damage to the resource area **interests and** values ~~protected by~~ **identified in** the Bylaw; or,
4. where work has been done in violation of the permit, **this Bylaw, or its regulations; or**
5. **where resource areas have changed.**

If issued by the Conservation Commission, the extension permit shall be signed by

a majority of the Conservation Commission.

The extension permit shall be recorded in the Land Court or Registry of Deeds, whichever is appropriate. If work is undertaken without the applicant recording the extension permit, the Conservation Commission may issue an enforcement order.

The Commission may impose additional or more stringent conditions as a result of a hearing conducted by it pursuant to the provisions of this Bylaw than it may impose pursuant to the General Laws, Chapter 131, Section 40 (known as the Wetlands Protection Act).

The Commission may require from an applicant filing ~~a Notice of Intent~~ **an application** pursuant to this Bylaw additional materials or data than is required pursuant to an application filed under General Laws, Chapter 131, Section 40.

For good cause the Commission may revoke or modify a permit issued under this chapter after public notice and public hearing and notice to the permit holder. Good cause shall include, but not be limited to, failure of an applicant to comply with the conditions of a permit.

SECTION ~~5~~ **6.** PUBLIC HEARING
(ART. 57, ATM – 06/19/02)
Notice of the time and place of a public hearing on any appropriate application specified in this Bylaw shall be given by and at the expense of the applicant, not less than five days prior to such hearing, by publication in a newspaper of general circulation in Arlington, and by delivering or mailing a notice thereof to the ~~applicant~~ **property owner if different from the applicant**, ~~to the Town Manager, Select Board, Town Clerk, Planning Department, Town Counsel, Department of Public Works, Town Engineer, Zoning Board of Appeals, Board of Health, Building Inspector, Redevelopment Board~~ **abutters**, and to such other persons as the Conservation Commission may ~~determine~~ **specify in its regulations** ~~(i.e. abutters)~~.

The Conservation Commission may hold concurrent hearings under this Bylaw and the Wetlands Protection Act (M.G.L. c. 131, s.40).

SECTION ~~6~~ **7.** APPLICANT'S OBLIGATION

The applicant shall have the burden of proving by a preponderance of the credible evidence from a competent source that the work proposed in the ~~Request for Determination of Applicability or Notice of Intent~~ **application** will not have a significant or cumulative effect upon the resource area **interests and** values protected by this Bylaw.

Failure to provide to the Commission adequate evidence or information for it to determine that the proposed work does not cause harm to the **interests and** values ~~sought to be~~ protected by this Bylaw shall be sufficient cause for the Conservation Commission to deny such permit or to grant such permit with such conditions as it deems reasonably necessary

or desirable to carry out the purposes of this Bylaw, or to postpone or continue the hearing to another date certain to enable the applicant and others to present additional evidence, upon such terms and conditions as seems to the Commission to be just.

Due consideration may be given to any hardship demonstrated at the hearing, other than financial, on the part of the applicant by reason of denial or continuance of the hearing.

The Conservation Commission may require that plans, calculations, or other information prepared as part of a Request for Determination of Applicability or Notice of Intent be prepared by a qualified professional when, in the Commissions judgment, the complexity of the proposed activity so warrants.

SECTION ~~7~~ **8.** REQUIREMENTS RUN WITH LAND

Any person who purchases, inherits or otherwise acquires real estate upon which work has been done in violation of the provisions of this Bylaw or in violation of any order issued under this Bylaw shall forthwith comply with any such order to restore such land to its condition prior to any such violation; provided, however, that no action, civil or criminal, shall be brought against such person unless such action is commenced within three years following the recording of the deed or the date of the death by which such real estate was acquired by such person. The Town Manager and the Select Board shall, upon request of the Conservation Commission, instruct Town Counsel to take such legal action as may be necessary to restrain a violation of this Bylaw, and enforce the orders of the Conservation Commission hereunder, and the Town Counsel shall forthwith comply with such instructions.

SECTION ~~8~~ **9.** RULES AND REGULATIONS OF THE COMMISSION

The Conservation Commission shall promulgate after due notice and public hearing Rules and Regulations to effectuate the purposes of this Bylaw. **These Rules and Regulations shall be referred to as the Arlington Regulations for Wetlands Protection**. However, failure by the Commission to promulgate such rules and regulations or a legal declaration of their **full or partial** invalidity by a court of law shall not act to suspend or invalidate the effect of this Bylaw.

~~SECTION 9. DEDINITIONS~~

~~The following definitions shall apply in the interpretation and implementation of this Bylaw:~~

~~A. "Abutter" shall mean the owner of any land within 100 feet if the property line of the land where the activity is proposed, as determined by the most recent assessors' records including any land located directly across a street, river, stream or pond, or municipal boundary~~

~~B. "Alter" shall mean to change the conditions of any area subject to protection by this Bylaw and shall include but not be limited to one or more of the following actions upon the resource areas protected by this Bylaw:~~

1. fill, removal, excavation or dredging of soil, sand, gravel or aggregate material of any kind;
2. changing of pre-existing drainage characteristics, flushing characteristics, salinity distribution, sedimentation patterns, flow patterns and flood storage retention areas;
3. drainage, disturbance or lowering of the water level or water table; the dumping, discharging or filling with any material which could degrade the water quality;
4. driving of pilings, erection of buildings or structures of any kind;
5. placing of any object or obstruction whether or not it interferes with the flow of water;
6. destruction, extensive trimming, or removal of natural or planted plant life, vegetation, or trees; changing of water temperature, biochemical oxygen demand and other natural characteristics of the receiving water;
7. any activities, changes or work which pollutes any stream or body of water, whether located in or out of the Town of Arlington;
8. application of pesticides and herbicides; or
9. any activity, change or work with adversely effects groundwater or drinking water supply.

C. "Applicant": shall mean a person filing a Request for Determination of Applicability or Notice of Intent. "Banks" shall be defined as the portion of the land surface which normally abuts and confines a water body, often between the mean annual low flow level and the first observable break in the slope or the mean annual flood level, whichever is lower;

D. "Bordering" shall be defined to include any land within either of the following or the greater thereof:
   1. 100 feet horizontally lateral from the edge of any marsh, freshwater wetland, vernal pool, wet meadow, bog, swamp, river, stream, creek, pond, reservoir, or lake; or pond, reservoir, or lake; or
   2. within the maximum lateral extent of the water elevation of the statistical 100 year frequency storm.

E. "Cumulative Effect" shall mean an effect that is significant when considered in combination with other activities that have occurred, are going on simultaneously, or that are likely to occur, whether such other activities have occurred or are contemplated as a separate phase of the same project, such as the build-out of a subdivision or an industrial park, or unrelated but reasonably foreseeable actions, including other development projects that are currently under construction, under review or that may be expected to come forward.

F. "Groundwater" shall mean all subsurface water contained in natural geologic formations or artificial fill including soil water in the zone of aeration. Activities within 100 feet of resource areas shall not significantly alter the existing quality or elevation of naturally occurring groundwater.

G. "Land subject to flooding or inundation" shall mean the land within the estimated maximum lateral extent of flood water which will theoretically result from the statistical 100-year frequency storm; said boundary shall bet that determined by reference to the most recently available flood profile data prepared for Arlington

~~within which the work is proposed under the Natural Flood Insurance Program ("NFIP"). Where NFIP data are unavailable or outdated, the boundary of said land and shall be based on the maximum lateral extent of flood water which has been observed or recorded, or other evidence presented and considered by the Commission. Said land shall also include isolated areas which frequently or seasonably hold standing water; such areas may or may not be characterized by wetland vegetation or soil characteristics.~~

~~H. "Marsh", "freshwater wetland", "swamp", "wet meadow", "bog" shall mean that as defined in General Laws Chapter 131, Section 40 or Regulations thereunder (310 CMR 10.00).~~

~~I. "Permit" shall mean the document issued by the Conservation Commission pursuant to this Bylaw which allows work in accordance with conditions set by the Commission in the resource areas protected by this Bylaw.~~

~~J. "Person" shall include any individual, group of individuals, associations, partnerships, corporations, business organizations, trust, estate, Commonwealth of Massachusetts when subject to Town Bylaws, any public or quasi-public corporation or body when subject to Town Bylaws or any other legal entity, including the Town of Arlington or its legal representative, agents or assigns.~~

~~K. "River" shall mean any natural flowing body of water that empties to any ocean, lake, pond, reservoir, or other river.~~

~~L. "Riverfront Area" shall mean the area of land between a river's mean annual high water line and a parallel line measured 200 feet horizontally landward of the mean annual high water line.~~

~~M. "Wildlife Habitat" shall mean the area necessary to provide breeding or nesting habitat, shelter, food and water for any animal species.~~

~~Additional Definitions: The Conservation Commission may in its rules and regulations provide such other definitions, or terms used in this Bylaw, as it deems useful in order to administer or carry out its obligations under this Bylaw. Except as otherwise provided in this Bylaw or in regulations of the Commission, the definitions of terms in this Bylaw shall be set forth in the Wetlands Protection Act (G.L. c. 131, §40) and Regulations (3.10 CMR 10.00).~~

SECTION 10. BONDS AND COVENANTS

The Conservation Commission may, as part of a permit allowing work, require, in addition to any security required by any other town or state Board, Commission, agency or officer, that the performance and observance of the conditions imposed hereunder be secured by one, or in part by one and in part by the other of the methods described in the following clauses A and B:

A. By a proper bond or deposit of money or negotiable securities, sufficient in the opinion of the Conservation Commission to secure performance of the conditions and observance of the safeguards of such permit.
B. By a covenant, executed and duly recorded by the owner of record, running with the land, whereby the conditions and safeguards included in such permit shall be

performed before any lot may be conveyed other than by mortgage deed.

SECTION 11. BOND TO SECURE CORRECTIONS OF FLOODING CONDITIONS (ART. 16, ATM – 04/24/02)

The Conservation Commission ~~shall~~ **may** require that any developer proposing to build a structure exceeding 6,000 sq. ft. in area, which structure lies within 200 ~~yards~~ **feet** of an existing stream **and/**or **100 feet of an existing** wetland be required to post a proper bond, deposit of money or negotiable securities in lieu thereof, sufficient in the opinion of the Commission to secure performance of such measures determined by the Commission as necessary to correct any flooding condition on the site of the proposed development that existed prior to the construction of same or is likely to result as a consequence of the construction. The Commission shall ~~insure~~ **ensure** that the bond shall be in effect for a minimum of five years.

SECTION 12. **ENFORCEMENT AND** PENALTIES FOR VIOLATIONS/~~ENFORCEMENT~~

Whoever violates any provision of this Bylaw, its regulations, or permits or orders issued thereunder may be penalized, with fines recoverable, by indictment in superior court or on complaint before a district court. The District Court may impose fines for any violation of these provisions which shall be $300 for each offense. Each day on which any violation exists shall be deemed to be a separate offense.

The provisions of this Bylaw, its regulations, and permits or orders issued thereunder, may also be enforced by the Conservation Agent, Conservation Administrator, or any Police Officer of the Town, through the noncriminal disposition provisions of M.G.L. c. 40, §21D.

~~Whoever violates any provision of this Bylaw shall be punished by a fine of not more than $300.00. Each day or portion thereof of continuing violation shall constitute a separate offense. This Bylaw may be enforced by any Town Police Officer or other office having police powers.~~

~~The Commission shall have the authority to enforce this Bylaw, its regulations, and permits issued thereunder by violation notices, administrative orders, and criminal court actions.~~

~~In the alternative to criminal prosecution, the Commission may elect to utilize the non-criminal disposition procedure set forth in MGL C. 40, Sec. 21D.~~

SECTION 13. JUDICIAL REVIEW

A decision of the Conservation Commission shall be reviewable in the superior court in accordance with G.L. Ch. 249, § 4. ~~Any request for judicial review of the Commission's decision on any Permit or Request for Determination of Applicability pursuant to this Bylaw must be filed within sixty days from the issuance of or decision to~~

~~not issue the Permit or Determination. Failure to do so shall constitute a waiver of such judicial review.~~

SECTION 14. SEVERABILITY

The invalidity of any section or provision of this Bylaw shall not invalidate any other section or provision thereof, nor shall it invalidate any Permit which has previously become final.

SECTION 15. RELATION TO WETLANDS PROTECTION ACT

This Bylaw is adopted under the Home Rule Amendment of the Massachusetts Constitution and the Home Rule Statutes, independent of the Wetlands Protection Act, General Laws c. 131 Section 40, and regulations thereunder.

SECTION 16. FEE**S** ~~SCHEDULE~~

Any applicant shall pay the Application fee specified in the Arlington Regulations for Wetlands Protection.

~~A.~~ Rules:

1. Permit fees are payable at the time of application and are nonrefundable.
2. Permit fees shall be calculated by ~~this department per~~ **the Conservation Commission according to the** schedule ~~below~~ **in the Regulations**.
3. Town, County, State, and Federal projects are exempt from fees.
4. **All permit fees are tripled if work is started without permit.** ~~Failure to comply with the law after official notification shall result in fees twice those normally assessed.~~
5. These fees are in addition to any required under the Wetlands Protection Act, M.G.L. c. 131, s. 40, or its regulations.
6. **An application may be rejected or denied for failure to pay the application fee.**

~~B. Fees: (ART. 57, ATM – 06/19/02) (ART. 57, ATM – 06/19/02)~~

1. ~~Minor project (house addition, tennis court, swimming pool, utility work, etc.) $100.~~
2. ~~Maintenance activity; work in, on or affecting any body of water, wetland or floodplain $100.~~
3. ~~Single-family dwelling $400.~~
4. ~~Subdivisions (road and utilities only) $400 + $2/ft. of roadway sideline within 100' of resource areas or within land subject to flooding.~~
5. ~~Multiple dwelling structures $400 + $100 per unit all or part of which lies within 100 ft. of wetlands or within land subject to flooding.~~
6. ~~Commercial and Industrial Projects $500. + $.50/sq. ft. wetland disturbed $.02/sq. ft. land subject to flooding or 100 ft. buffer disturbed.~~
7. ~~Extensions of Permits~~
    a. ~~Single family dwelling or minor project $100.~~
    b. ~~Other. $150.~~
8. ~~Refiling of previously denied projects within 3 years original fee or $1,000,~~

~~whichever is less.~~

9. ~~Request for Determination $75.~~
10. ~~Fees for Request for Amendments a fee of $300 or 50% of the original filing fee, whichever is less, will be submitted at the same time as a request for amendment/Changes is presented to the Conservation Commission.~~

A. Consultant Fees

1. Consultant Fee Upon receipt of **an application**/Notice of Intent, Abbreviated Notice of Resource Area. Delineation, or Request for Determination of Applicability, or any point during the hearing process, the Commission is authorized **pursuant to M.G.L. c. 44, § 53G** to require an applicant to pay a **reasonable** fee to the Conservation Commission for ~~the reasonable costs and expenses borne by the Commission for~~ **employment of an outside consultant for** consultant services deemed necessary by the Commission to come to a final decision on the application. The fee is called the "consultant fee."

The specific consultant services may include, but are not limited to, performing or verifying the accuracy of a resource area survey and delineation, **stormwater management,** ~~A~~**a**nalysis of resource area **interests and** values, wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.

The Commission may require the payment of the consultant fee at any point in its deliberations prior to a final decision. Failure by the applicant to pay the Consultant Fee specified by the Commission within five (5) business days of the request for payment shall be cause for the Commission to deny issuance of a permit or other requested action.

The applicant shall pay the fee to be put into a revolving fund, which may be drawn upon by the Commission for specific consultant services approved by the Commission at one of its public meetings. The consultant shall be chosen by, and report only to, the Commission or its designee.

The exercise of discretion by the Commission in making its determination to require payment of a consultant fee shall be based upon its reasonable finding that additional information acquirable only through outside consultants would be necessary for the making of an objective decision.

The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary.

Any applicant aggrieved by the imposition of, or size of, the consultant fee, or any act related thereto, may appeal according to the provision of the Massachusetts General Laws.

~~The maximum consultant fee charged to reimburse the Commission for reasonable costs and expenses shall be according to one of the following schedules whichever is greater:~~

~~Project Cost~~	~~Maximum Fee~~
~~UP TO $100,000~~	~~$ 3,000~~
~~$100,001 -- $500,000~~	~~$ 4,500~~
~~$500,001 -- $1,000,000~~	~~$10,000~~
~~$1,000,001 -- $1,500,000~~	~~$15,000~~
~~$1,500,001 -- $2,000,000~~	~~$20,000~~

~~Each additional $500,000 project cost increment over $2,000,000 may be charged at an additional $4,500 maximum fee per increment.~~

~~The project cost means the estimated, entire cost of the project, including, but not limited to, project design, building construction, site preparation, landscaping, and all site improvements.~~

~~Project Site Size~~	~~Maximum Fee~~
~~Up to 1 acre~~	~~$3,000~~
~~1 to 2 acres~~	~~$4,500~~
~~2 to 10 acres~~	~~$10,000~~
~~10 acres and above~~	~~$10,000 plus $2,000 per acre for each acre above 10 acres~~

~~The project shall not be segmented to avoid being subject to the consultant fee. The applicant shall submit estimated project costs at the Commission's request, but the lack of such estimated project costs shall not avoid the payment of the consultant fee.~~

SECTION 17. ~~VARIANCE~~ **WAIVER**
(ART. 5, STM – 05/14/03) (ART. 31, ATM – 05/05/04)

Upon written request by an applicant, the Commission may waive specifically identified procedures, design specifications, performance standards, or other requirements set forth in this Bylaw or its regulations, provided that: the Commission finds in writing after said public hearing that there are no reasonable conditions or alternatives that would allow the proposed activity to proceed in compliance with the Bylaw or said regulations; that avoidance, minimization and mitigation have been employed to the maximum extent feasible; and that the relief is necessary to accommodate an overriding public interest or to avoid a decision that so restricts the use of the property as to constitute an unconstitutional taking without compensation. Due consideration shall be given to any demonstrated hardship on the applicant in having to comply with the Bylaw or Regulations, as presented at the public hearing, provided such hardship is not self-imposed.

~~The Commission may vary any provisions of this bylaw or regulations promulgated thereunder relating to providing compensatory storage for flood storage volume that will be lost as a result of a proposed project within a flood plain when strict adherence thereto would constitute a substantial hardship on the applicant. The Commission may not issue a variance when to do so would derogate in a substantial way from the overall purpose of this bylaw. Notwithstanding the foregoing, the Commission may not issue any variance the effect of which would be to advance or in any way facilitate the building of any above-ground structures, except for minor recreational improvements (such as bleachers, lighting, and scoreboards). The effective date of this section shall be as provided in Section 32 of Chapter 40 of the General Laws.~~

ARTICLE 11 BYLAW AMENDMENT / WETLANDS BYLAW ENFORCEMENT

To see if the Town will vote to amend Title IX, Article 2 of the Town Bylaws ("Non-Criminal Disposition of Bylaws") to add the Conservation Agent and Conservation Administrator as enforcing persons of Title V, Article 8 of the Town Bylaws ("Wetlands Protection"); or take any action related thereto.

(Inserted at the request of the Conservation Commission)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: The Town's Environmental Planner, David Morgan presented to the Board and explained that the proposed amendment seeks to revise the town's Non-Criminal Disposition bylaw (Title IX, Article 2), to add the Conservation Agent, Conservation Administrator or any Town Police Officer as enforcing persons under Title V, Article 8, and the Regulations, permits, and orders issued thereunder. As confirmed by Town Counsel, the proposed Article is a permissible grant of authority to an "enforcing person" under G.L. c. 40, §21D. The Board unanimously voted to support this article as it will strengthen the Town's ability to enforce violations of its Wetlands Protection Bylaw.

RECOMMENDED VOTE:

That the Town does and hereby amends Title IX, Article 2 of the Town's Bylaws so that it reads:

ARTICLE 2
NON-CRIMINAL DISPOSITION OF BYLAWS

(ART. 32, ATM – 05/04/92) (ART. 26, ATM – 05/01/95) (ART. 45, ATM – 05/12/97) (ART. 13, ATM – 04/24/00) (ART. 19, ATM – 06/20/05) (ART. 19, ATM – 05/05/14)

Any provision of these bylaws in the first instance may be enforced by the noncriminal disposition procedure provided by the provisions of Section 21D of Chapter 40 of the general Laws. The enforcing person shall be any police officer of the Town. Notwithstanding the foregoing a duly constituted agent of the Board of Health, who shall be a Town employee,

shall be considered an enforcing person for purposes of:

Title III, Article 1, Section 22 (Rubbish Collection)
Title IV, Article 5, (Feeding of Waterfowl)
Title V, Article 2 (Junk Cars)
Title V, Article 4, (Smoking)
Title V, Article 9, (Dumpster Placement)
Title V, Article 12 (Noise Abatement)
Title VIII, Article 1, Section 6 (Cigarette Machines)
Title VIII, Article 2, Section 2 and 3 (Dogs)
Title VIII, Article 3, (Public Health)

In addition, any Animal Control Officer of the Town shall be considered an enforcing person for purposes of Title VIII, Article 2, Sections 2 and 3.

In addition, the Inspector of Buildings or any local inspector, the wire inspector, plumbing inspector, and the Director of Fire and Support Services or the Director's designee, shall be the enforcing person for purposes of Title VI in their respective areas of expertise.
In addition, the Conservation Agent, Conservation Administrator or any Town Police Officer shall be considered an enforcing person for the purposes of Title V, Article 8, and the Regulations, permits, and orders issued thereunder.

ARTICLE 12 BYLAW AMENDMENT / TOWN MEETING PROCEDURES COMMITTEE ROLLING MEMBERSHIP APPOINTMENTS

To see if the Town will vote to amend Title I, Article 1, Section 8 of the Town Bylaws to establish rolling three-year terms for appointed members of the Town Meeting Procedures Committee.

(Inserted at the request of the Town Meeting Procedures Committee)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The Board voted unanimously to recommend favorable action on this article. Inserted at the request of the Town Meeting Procedures Committee, this article seeks to alter the timing of the appointment of the three Town Meeting members on the committee so that initial appointments will be for one, two and three-year terms, thereby creating a staggered reappointment process in the years that follow. It is hoped that the proposed change will increase continuity and stability for the TMPC and its membership.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 8, Section C of the Town's Bylaws, or take any action related thereto, so that the new Section reads:

Section 8. Procedures Committee
(ART. 15 – ATM, 05/30/07)

A. Name. The name of this committee shall be the Town Meeting Procedures Committee.

B. Appointing Authority. The Moderator shall be the appointing authority for the committee and shall also fill any vacancies.

C. Composition. The committee shall consist of five members who shall be: the Moderator, the Assistant Moderator, and three Town Meeting Members. **The three Town Meeting Members shall serve for three-year terms, and members shall be eligible for reappointment. Following the effective date of this revised bylaw, the Moderator shall appoint three members for one- two- and three-year terms for the specific purpose of staggering term expiration, with all subsequent appointments and reappointments for three years. A vacancy shall be filled for the unexpired term in the manner of the original appointment.**

D. Duties. The committee shall consider, recommend, and report to the Town Meeting on matters related to Town Meeting procedures. The committee shall take a broad view of matters related to Town Meeting procedures. In addition to considering how such matters affect the Town Meeting, the committee shall also consider how these matters affect the desire of voters of the Town to become Town Meeting Members.

E. Transitional provision. When this section comes into effect, Town Meeting Members already on the committee shall remain on the committee. If the Moderator or Assistant Moderator is already on the committee, the Moderator shall now be on the committee by virtue of their office and their Town Meeting Member position on the committee shall be declared vacant.

ARTICLE 13 BYLAW AMENDMENT / ADOPTION OF UPDATED VERSION OF TOWN MEETING TIME

To see if the Town will vote to amend Title I, Article 1, Section 3 of the Town Bylaws to change the edition of Town Meeting Time that is used by Town Meeting.

(Inserted at the request of the Town Meeting Procedures Committee)

VOTE: Favorable Action (5-0)

COMMENT: The Board voted unanimously to recommend favorable action on this article. The proposed amendment seeks to update the version of Town Meeting Time that serves as the authoritative source for many of the procedures and practices at Town Meeting, from the third edition, published in 2001, to the fourth edition, published in 2025.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 1, Section 3 of the Town's Bylaws, or take any action related thereto, so that the new Section reads:

Section 3. Duties of Moderator
(ART. 27, ATM – 05/06/02)

The duties of the Moderator, and the government of the Town Meeting, not specially provided for by law, or by the foregoing rules, shall be determined by rules of practice contained in Town Meeting Time, A Handbook of Parliamentary Law, ~~by Johnson Trustman and Wadsworth, a Committee of the Massachusetts Moderator's Association, published by Massachusetts Moderators Association 2001~~, **fourth edition** so far as they are adapted to the condition and powers of the Town.

ARTICLE 14 BYLAW AMENDMENT / TREE COMMITTEE RULES AND PROCEDURES

To see if the Town will vote to amend Title II of the Town Bylaws to establish formal rules and procedures for the Arlington Tree Committee, including but not limited to the number of members, terms of office, and duties and responsibilities; or take any action related thereto.

(Inserted at the request of the Arlington Tree Committee)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: This Board heard from Steven Moore, Co-Chair of the Arlington Tree Committee regarding this article. Mr. Moore provided the Board with a history of the Tree Committee's creation and work since 2003. Mr. Moore also explained the purpose of this proposed bylaw, which is to standardize and formalize the committee and its membership. Town Counsel reported to the Board that the proposed bylaw does not change the committee's purpose or the limits of its authority. Further, if approved, the Select Board will remain the Tree Committee's appointing authority.

The Board expressed its ongoing support for the work of the Tree Committee as it remains committed to the task of helping to protect the town's tree canopy. The Board made some changes to the draft language that ensured consistency with the committee's mission and the article proponent agrees that the changes were appropriate. After discussion, the Board voted unanimously in support of this article.

RECOMMENDED VOTE:

That the Town does and hereby amends Title II of the Town's Bylaws, to introduce a new Article 17 so as to read:

ARTICLE 17
ARLINGTON TREE COMMITTEE

Section 1. Membership
The Arlington Tree Committee (ATC) shall consist of nine voting members, to be appointed by the Select Board. Three shall be appointed for an initial term of three years; three for an initial term of two years; and three for an initial term of one year. There shall be a non-voting liaison representative from the Department of Public Works. A quorum shall consist of a majority of the voting members. The Committee shall organize for the conduct of its affairs, and shall elect its own officers.

All appointments, and reappointments upon the expiration of the original term of appointment, shall be for three years. Members shall serve until their successors are qualified and duly appointed. When a voting member resigns prior to term completion, any successor member shall be appointed only for the remaining balance of that term, after which reappointment shall be required.

Section 2. Mission and Purpose
The mission of the Arlington Tree Committee is to promote the protection, planting, and care of trees in Arlington. The ATC shall support the Town Tree Warden and the Arlington Department of Public Works, and work with them on tree-related issues.

The ATC shall advise the Town and advocate for policies and procedures which align with the Town's recognition of the importance of trees to the quality of life in Arlington. To this end, the ATC shall assist with and advocate for: increasing tree planting with adequate watering, particularly in areas of Town with low tree cover; increasing public awareness of the environmental, economic, and health benefits of trees and a robust tree canopy in Arlington; and provide guidance, outreach, education, resources and programs at all levels within the community, to help support tree selection, planting, survival, and stewardship.

ARTICLE 15 BYLAW AMENDMENT / ADOPTION OF EQUITY BYLAW PURSUANT TO MASSACHUSETTS CANNABIS CONTROL COMMISSION REGULATIONS

To see if the Town will vote to amend Title I of the Town Bylaws to adopt a Municipal Equity Bylaw pursuant to regulations promulgated by the Massachusetts Cannabis Control Commission; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0).

COMMENT: This article was inserted at the request of the Town Manager as a place holder for the possible submission of a draft cannabis municipal equity bylaw for the Board and Town Meeting's consideration. The Board heard from Town Counsel, who reported that after review of applicable law and the model bylaw currently offered by the state's Cannabis Control Commission ("CCC"), he recommended no action on this article.

Pursuant to applicable law, host communities are required to pursue a bylaw or local process that meets the Commission's minimum acceptable equity standards for promoting and encouraging full participation in the regulated marijuana industry. Unfortunately, CCC's current regulations conflict with state zoning law and are so extraordinarily vague that compliance of any potential bylaw with the regulations would be highly uncertain. Given this, and since the overwhelming majority of host communities have not yet adopted any of the CCC's suggested compliance measures, the Board recommends that no action be taken at this time to adopt the CCC's cannabis model equity bylaw.

ARTICLE 16 BYLAW AMENDMENT / TOWN FEES AND CHARGES

To see if the Town will vote to amend Title IX, Article 3 of the Town Bylaws to update existing fee amounts and add any currently omitted services with accompanying appropriate fee structures; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: This article, inserted at the request of the Town Manager, arose out of discussions that took place this past year during the long-range planning process. The proposed amendment will help ensure that fees are set at appropriate levels to keep pace with costs and adequately compensate the Town for its expenses in providing fee-based services. Finally, the Board's review of the proposed updated fees revealed that they are reasonable and consistent with fees in neighboring communities.

Currently, many Town fees are prescribed in Title IX, Article 3 of the Town Bylaws. It should be noted some of the published fees are accurate to what is being charged in practice, while others have not been updated to reflect changes to certain fees that were implemented over time. In other instances, new fees have been instituted in accordance with newly adopted bylaws, regulations, or services but have not been incorporated into the bylaw. The proposed bylaw amendment seeks to reconcile Title IX Article 3 to capture missing fees, match current fees, and codify newly proposed fees where appropriate.

RECOMMENDED VOTE:

That the Town does and hereby amends Title IX, Article 3 of the Town's Bylaws so that it reads:

ARTICLE 3
TOWN FEES AND CHARGES
(ART. 3, STM – 11/30/88) (ART. 24, ATM – 05/04/92) (ART. 24, ATM – 05/04/92)

Section 1. Town Officers' Obligation
All Town Officers shall pay all fees received by them by virtue of their office into the

Town Treasury.

Section 2. Office of the Town Clerk
(*Amended on 3/18/04 per John Maher and 3/2/2009 per Juliana Rice)
~~A. For filing and indexing assignment for the benefit of creditors. $15.00~~
A. For issuing a certified copy or certifying documents requiring the Clerk's signature, seal or both. $10
* B. For entering amendment of a record of ~~the~~ birth**, death, or marriage** ~~and of an illegitimate child subsequently legitimized $20.00~~ **$25.00**
* C. For correcting errors in a record of birth**, death, or marriage** ~~$20.00~~ **$25.00**
* D. For furnishing certificate of birth**, death, or marriage** $10.00
~~* E. For furnishing an abstract copy of a record of birth $ 6.00~~
* ~~F.~~ E. For entering delayed record of birth ~~$20.00~~ **$25.00**
* ~~G.~~ F. For filing certificate of a person conducting business under any title other than their real name (which includes a certified copy) ~~$30.00~~ **$50.00**
* ~~H.~~ G. For filing by a person conducting business under any title other than their real name of statement of change of their residence, or of their discontinuance, retirement or withdrawal from, or of a change of location of such business ~~$15.00~~ **$25.00**
~~* I. For furnishing certified copy of certificate of person conducting business under any title other than their real name or a statement by such person of their discontinuance, retirement or withdrawal from such business $15.00~~
~~J. For recording the name & address, the date and number of the certificate issued to a person registered for the practice of podiatry in the commonwealth $20.00~~
~~* K. For correcting errors in a record of death $20.00~~
~~* L. For furnishing a certificate of death $10.00~~
~~* M. For furnishing an abstract copy of a record of death $ 6.00~~
~~N. For issuing & recording licenses to keepers of intelligence offices $50.00~~
~~O.~~ H. For issuing & recording licenses to keepers of billiard saloons, pool or sippio rooms or tables, bowling alleys, etc. 1st table or alley ~~$60.00~~ **$100.00** for each additional table or alley ~~$25.00~~ **$50.00**
~~* P.~~ I. For entering notice of intention of marriage and issuing certificates thereof $30.00
~~* Q.~~ J. For entering certificate of marriage filed by persons married out of the commonwealth ~~$20.00~~ **$30.00**
~~* R. For issuing certificate of Marriage $10.00~~
~~* S. For furnishing an abstract copy of a record of marriage $ 6.00~~
~~* T. For correcting errors in a record of marriage $20.00~~
~~* U.~~ K. Dog Licenses
(1) Unspayed females $20.00
(2) Spayed females $15.00
(3) Males, unneutered $20.00
(4) Males, neutered $15.00
~~V. For recording power of attorney $15.00~~
~~W. For recording certificate of registration granted to a person to engage in the practice of optometry, or issuing a certified copy thereof $20.00~~
~~X. For recording the name of the owner of a certificate of registration as a physician or osteopath in the Commonwealth $20.00~~

~~Y.~~ L. For recording order granting locations of poles, piers, abutments or conduits, alterations or transfers thereof, and increase in number of wires and cable or attachments under the provisions of Sec.22 of Chap. 166 3.50 additional for each street or way included in such order flat rate $60.00 additional fee $8.00
~~Z. For examining records or papers relating to birth, marriage or deaths upon the application of any person, the actual expense thereof, but not less than $15.00~~
~~AA. For copying any manuscript or record pertaining to birth, marriage or death $ 6.00~~
~~BB.~~ M. For receiving & filing a complete inventory of all items to be included in a "closing out sale" etc. per pg~~. $ 4.00~~ **$10.00**
~~CC.~~ N. For filing a copy of written instrument or declaration of trust by the trustees of an association or trust, or any amendment thereof as provided by Sec. 2, Chap. 182 ~~$60.00~~ **$75.00**
~~DD.~~ O. For recording deed of lot or plot in a public burial place or cemetery ~~$12.00~~ **$20.00**
~~EE. Recording any other documents per 1st page $12.00 per additional page $ 4.00~~
~~FF. For issuing burial permits $10.00~~
P. Raffle Permit initial $25.00, subsequent days $10.00

Section 3. Office of the Treasurer and Collector of Taxes
Fees of the Treasurer's Office shall be in accordance with Section 15 of Chapter 60 and other appropriate provisions of the Massachusetts General Laws in addition to those set out below.

A. Tax Payment Research Report
1. All requests for tax payment research covering more than a two-year period (excluding herein request for municipal lien certificate) must be in writing and paid in advance.
2. To prepare three year tax research report minimum ~~$12.00~~ **$15.00**
For each additional year requested ~~$ 3.00~~ **$5.00**

Section 4. ~~Department of~~ Community Safety
(ART. 24, ATM – 05/07/01) (ART. 24, ATM – 05/04/92)
(ART. 17, ATM –04/24/96)

A. ~~Fire Services Division~~ **Fire Department**~~-~~ Chapter 148 Fees. The Schedule for fees for licenses and registrations relating to the keeping, storage and manufacture of any of the articles listed in Section 9 of Chapter 148 of the General Laws except fireworks, firecrackers and torpedoes, in accordance with the provisions of Section 13 of said Chapter 148, as amended, shall be as follows:

1. Vehicles Containing Inflammable Fluids Fees for licenses for garages and for keeping and storage for sale of petroleum products or any other inflammable fluids, required under Chapter 148 of the General Laws, Section 13, as amended, are hereby established as follows:

Aggregate Car Storage Capacity Fee for each Garage Original License
5 to 10 cars ~~$36.00~~ **$50.00**
11 to 50 cars ~~$54.00~~ **$100.00**
51 cars or over ~~$90.00~~ **$200.00**

2. Premises Storing Inflammable Fluids for Use or Sale Fees or licenses for keeping and storage for sale of petroleum products or another inflammable fluids are hereby established as follows, except where the license is issued for the keeping and storage for direct consumption on the premises licensed or direct consumption by motor vehicles owned by the licensee or their assignee and not for sale of petroleum products or any other inflammable fluids:

Aggregate Storage Capacity for Fee For Entire Parcel of Land Licensed Original License

Class A - 165 to 5,000 gallons Flat fee of ~~$36.00~~ **$50.00**
Class B - 500 to 5,000 gallons Flat fee of ~~$36.00~~ **$50.00**
Class C - 1,000 to 5,000 gallons Flat fee of ~~$36.00~~ **$50.00**
All classes - 5,001 to 10,000 gallons ~~$7.00~~ **$10.00** per thousand gallons
All classes - 10,001 to 50,000 gallons ~~$290.00~~ **$350.00**
All classes - 50,001 to 100,000 gallons ~~$360.00~~ **$450.00**
All classes - 100,001 to 500,000 gallons ~~$540.00~~ **$650.00**
All classes - 500,001 to 1,000,000 gallons ~~$900.00~~ **$1,100.00**
Over 1,000,000 gallons ~~$1,800.00~~ **$2,500.00**

If a license is applied ~~for~~ solely for the purpose of keeping and storing for direct consumption on the premises licensed**,** or for direct consumption by motor vehicles owned by the licensee or their assignee and not for sale, of petroleum products or any other inflammable fluids, the fee shall be ~~($36.00).~~ **$50.00**

Except as otherwise provided for in this section, the fee for a certificate of registration provided for in General Laws, Chapter 148, Section 13, as amended, shall be one-half of the license fees according to the schedule set forth above, payable to the Town Clerk annually on or before April 30th ~~in~~ **of** each year.

3. Permits for Hazardous Activities Permits granted Section 10A -
Chapter 148 of the Massachusetts General Laws

Supervised display of fireworks ~~$30.00~~ **$200.00**
Oil burner installation or alteration ~~$15.00~~ **$100.00**
Oil Tank installation $100.00
Oil Tank Removal $100.00
Installation of liquified petroleum equipment ~~$30.00~~ **$100.00**
Certificate of approval - flammable fluid tank trucks ~~$20.00~~ **$50.00**
Storing of gunpowder and small arms ammunition ~~$15.00~~ **$100.00**
Blasting of rock ~~$100.00~~ **$200.00**
Keeping, sale and use of model rocket engines ~~$15.00~~ **$100.00**
Use of salamanders for drying construction materials ~~$15.00~~ **$100.00**
Supervised firing of cannon ~~$15.00~~ **$100.00**
Tar Kettles ~~$15.00~~ **$100.00**
Cutting welding/hotwork $100.00
4. Installation of Fire Detection and Extinguishing Systems Schedule of permit fees for

the installation of fire detection and extinguishing systems required by the Commonwealth of Massachusetts Building Code:

~~Fire detection and alarm systems~~
~~1 to 10 outlets $15.00: each additional 10 outlets or fraction thereof $8.00.~~

Fixed chemical, powder or inert gas extinguishing systems ~~$15.00~~. **$100.00**
~~Fire line and/or standpipe installations $15.00 plus $5.00 for each hose outlet.~~

~~To install a sprinkler system in an existing building, the fee will be $18.00 minimum up to 10 sprinkler heads - additional heads $2.00 each - maximum $250.00.~~

~~To install a sprinkler system in a new building, the fee will be $18.00 minimum up to 10 sprinkler heads - additional heads $2.00 each - maximum $250.00.~~

~~Plan examination fee for above will be $30.00.~~

Fire Alarm-Installation Plan Review $250.00
Inspection $100.00
Re-inspection: $50.00
Sprinkler-Installation Plan review $250.00
Inspection $100.00
Re-inspection: $50.00

5. Fees For Fire Safety Services Connecting private Fire Alarm Box to the municipal system ~~$120.00~~ plus cost of materials **$200.00**
Private fire alarm systems tests ~~$20.00~~ **$100.00**
Fire alarm master box connection ~~$325.00~~ **$750.00**
Sprinkler or standpipe test or shutdown for repairs ~~$20.00~~ **$100.00**
Licenses for land for explosives and Inflammable materials $1800.00
Miscellaneous Inspections and Fees ~~$20.00~~ **$100.00**
Underground Flammable Tank Removal or Relocation Fee ~~$360.00~~ **$400.00**
Smoke Detector Inspections
1 family ~~$20.00~~ **$100.00**
2 family ~~$30.00~~ **$150.00**
3 to 5 family ~~$40.00~~ **$200.00**
6 and up ~~$60.00~~ **$300.00**
~~Research location of underground tanks~~
~~$25.00 per hour, 1 hour minimum.~~

6. Penalty for Premature Work Where any work is started without a permit, all required fees will be twice the scheduled fee.

7. Fee For Medical Emergency Response Service The fees for use of the Town Rescue Vehicle shall equal the maximum allowable rate approved for any beneficiary of health insurance under Title XVIII of the Social Security Act for a medically necessary service

as determined by the U.S. Secretary of Health and Human Services.

B. ~~Office of the Building Inspector~~ **Inspectional Services Department**
1. Schedule of Building Permit Fees
New construction (including additions, alterations, repairs to existing buildings)
~~$15.00~~ **$20.00** per $1,000. of estimated cost of construction
minimum fee ~~- $36.00.~~ **$50.00**

To demolish any building
~~$15.00~~ **$20.00** per $1,000. (cost of demolition)
minimum fee ~~- $36.00.~~ **$50.00**

Signs
~~$7.00~~ **$10.00** per $100. (based on cost of sign)
minimum fee ~~- $36.00~~ **$50.00**

Moving of a structure
~~$60.00 for any building of assessed value under $5,000~~
~~$15.00 per $10,000. for any building assessed valuation over $5,000~~ ~~minimum fee - $60.00.~~ **Flat fee $500.00**

Preliminary permits for foundations
~~$15.00~~ **$20.00** per $1,000 of estimated cost of construction
minimum fee ~~- $30.00.~~ **$50.00**

Buildings being built for and owned by Town, County, State, or U.S. shall be exempt from paying fees. The Housing Authority will pay permit fees if Federal or State Grant programs allow them as a project cost.

Occupancy Permits
~~$36.00 for commercial buildings~~
~~$36.00 for single and two family dwellings~~
~~All other uses - $30.00~~. **$100.00**

Annual inspections $100.00

Petition to ~~Building~~ Zoning Board of Appeals ~~$120.00.~~ **$400.00**

~~Plan Review - (Zoning or Building Code)~~
~~$5.00 per $1,000. of estimated cost of construction. If no construction is contemplated, then $50 per hour of Building Inspector's time. Fee may be waived at discretion of Building Inspector.~~

To inspect and certify buildings and structures in accordance with Section ~~108.5.1 and Table 108~~ **Section 110.7 and Table 110** of the Massachusetts State Building Code as revised.

If plan review is deemed necessary for large projects, it shall be done by outside consultants of which cost shall be paid for by applicants or owners, etc.

Where any work is started without a permit, all required fees will be triple the scheduled fee.

Re-inspection necessary because of violations or work not ready on a requested inspection - ~~$30.00~~ **$50.00** before inspection is made.

2. Schedule of Plumbing Permit Fees
~~$24.00~~ **$30.00** per $1,000 of estimated cost~~, or portion thereof, up to the first $10,000.~~

~~$6.00 per $1,000 of estimated cost for that portion of valuation over $10,000.~~

~~$24.00~~ **$50.00** ~~-~~-minimum fee.

Work started without a permit - all fees shall be tripled.

Re-inspection necessary because of violations or work not ready on a requested inspection - $50.00 before inspection is made.

3. Schedule of Gas permit Fees
~~$24.00~~ **$30.00** per $1,000 of estimated cost~~, or portion thereof, up to the first $10,000.~~

~~$6.00 per $1,000 of estimated cost for that portion of valuation over $10,000.~~

~~$24.00~~ **$50.00** ~~-~~-minimum fee.

Work started without a permit - all fees shall be tripled.

Re-inspection necessary because of violations or work not ready on a requested inspection - $50.00 before inspection is made.

4. Plumbing - Gas Combined
Gas fired, automatic water heaters shall be rated as one fixture.

5. Electrical Permits
~~$24.00~~ **$30.00** per $1,000 of estimated cost~~, or portion thereof, up to the first $10,000.~~

~~$6.00 per $1,000 of estimated cost for that portion of valuation over $10,000.~~
~~$24.00~~ **$50.00** minimum fee.

Work started without a permit - all fees shall be tripled.

Re-inspection necessary because of violations or work not ready on a requested inspection - $50.00 before inspection is made.

~~6. Board of Examiner Fees For Building Licenses~~
~~$48.00 for single class or combination of classes.~~

~~$30.00 for renewal if renewed within 30 days of expiration.~~

~~$42.00 for reissue after 30 days of expiration.~~
6. Dumpster permit ~~$24.00~~ $50.00 including on-street parking pass if needed.
7. Pod permit ~~$24.00~~ $50.00 including on-street parking pass if needed.

Section 5. Department of ~~Human Resources~~ Health & Human Services
(ART. 24, ATM – 05/07/01) (ART. 13, ATM – 04/30/03)
A. Board of Health
~~1. Handling of Wood Alcohol Permit $ 6.00~~
~~2. Fee for Clubs to Disperse Food and Beverages $12.00~~
~~3. Home Caterer Permit Fee $46.00~~
~~4. Garbage Removal Fee $12.00~~
~~5. Inspection of Pasteurizing Plants $50.00~~
~~6. Regulation of Milk Products $12.00~~
~~7. Food Operator Permit Annual Fee $120.00~~
~~8. Mobile Food Units $95.00~~
~~9. Retail Food Permit Annual Fee $65.00~~
1. Food Establishment - Risk Level 1 $150.00
2. Food Establishment –Risk Level 2 $250.00
3. Food Establishment –Risk Level 3 $350.00
4. Food Establishment –Risk Level 4 $450.00
5. Temporary Mobile Food Vendor $150.00
6. Annual Mobile Food Vendor $250.00
7. Seasonal Food Vendor $100.00
8. Keeping of Hens $100.00
9. Bathing Beach $200.00
10. Permit for Public and Semipublic Pools ~~$110.00 (Exclude nonprofit entities)~~ **$200.00**
11. Tanning Facilities ~~$145.00~~ **$200.00**
12. Waste Haulers ~~$110.00~~ **$175.00**
13. Tobacco Vendor $500.00
14. ~~Massage~~ **Bodywork** Therapist ~~$50.00~~ **$75.00**
15. ~~Massage~~ **Bodywork** Establishment ~~$40.00~~ **$200.00**
16. Camp ~~$55.00~~ **$150.00**
17. Body Art Establishment $1,000
18. Body Artist $200.00
19. Reinstatement Fee $100.00
20. Temporary Food Permits ~~$25.00 per event~~ **$50.00 per event**
(Exclude nonprofit entities)
~~21. Inspection of caterers providing services without Arlington based permit $25.00 per function~~
~~22.~~**21.** Food Operator Plan Review ~~$100.00~~ **$200.00**
~~23. Retail Food Plan Review $50.00~~

~~24.~~**22.** Any failure by a food operator or retail food owner to correct any violation after follow-up inspection shall be subject to a daily ~~$50~~ fine, each day of violation to be considered a separate offense. **$75.00 per re-inspection**
23. Marijuana Establishment Permit $2,500.00
24. Marijuana Sales Agent Permit $100.00
25. Burial Permit $10.00
26. rDNA Permit $500.00
27. Power Sanding Permit $30.00
28. Commercial and Residential Dumpster Permit $100.00
29. Dumpster First Fine $50.00
30. Dumpster Subsequent Fine $100.00
31. Demolition Inspection Fee $100.00
32. Pre-Occupancy Housing Inspection $100.00
33. Water Submetering certification filing $50.00

B. Sealer of Weights and Measures
1. Scales Etc
Scale w/capacity over 10,000 lbs ~~$100.00~~ **$120.00**
Scale w/capacity 5 10,000 lbs ~~$75.00~~ **$90.00**
Scale w/capacity 1 5000 lbs ~~$50.00~~ **$70.00**
Scale w/capacity 100 1000 lbs ~~$25.00~~ **$45.00**
Scales/balances 10 100 lbs ~~$20.00~~ **$30.00**
Scales/balances under 10 lbs ~~$10.00~~ **$20.00**
Liquid capacity measure of cap. of
more than 1 gal. & measures on pumps (gasoline) ~~$15.00~~ **$20.00**
Liquid measuring meter diameter 1/2"-l" ~~$15.00~~ **$20.00**
Liquid measuring meter diameter over 1" **$20.00**
Vehicle tank pump $50.00
Vehicle tank gravity $60.00
Bulk storage $72.00
Bulk storage w/cert. prover $36.00
2. Taximeter ~~$20.00~~ **$25.00**
~~3. Device to determine linear or area $15.00~~
~~4. Milk bottles or jars $20.00~~
~~5. Vehicle tanks used in sale of commodities by~~
~~Liquid measure per 100 gal. $20.00~~
~~6. Separate tanks - Same vehicle (each) $20.00~~
~~7.~~ **3.** All other weights and measures (Metric, Apothecary, Troy each) ~~$2.50~~ **$5.00**
~~8.~~ **4.** Yard Sticks/Tapes ~~$2.50~~ **$5.00**
~~9.~~ **5.** Scanners 3 or less $75.00
4 to 11 $150.00
more than 11 $250.00
~~10.~~ **6.** Reverse Vending ~~$10.00~~ **$20.00**

C. ~~Youth Consultation Center~~ **Arlington Youth Counseling Center** Fees established to maximum permitted by Rate Setting Commission.

D. **Recreation & Community Services** Athletic Field Users Fees
(ART. 78, ATM – 05/26/04)

(1) Organized **Arlington** adult groups~~: $20.00 per hour~~ **$150.00/team**
(2) Out of Town groups: $50.00 per hour
(3) Arlington youth organizations, organized town leagues $10.00 per participant
(4) Private Schools located in Arlington $13.75/participant
(5) Arlington Public Schools and teams $8.75/participant
Park Permits
(1) Picnic-Arlington Resident- $50.00 per rental
(2) Picnic-Non-Arlington Resident $100.00 per rental
(3) Special Event-Arlington Non-Profit Group $25.00/hour
(4) Special Event-Arlington For-Profit Group $50.00/hour
(5) Special Event- Non-Arlington Non-Profit Group $50.00/hour
(6) Special Event- Non-Arlington For-Profit Group $100.00/hour

The Parks and Recreation Commission will establish rules and regulations to enforce the above. All receipts for this purpose shall be deposited into a revolving fund as established by Town Meeting for the maintenance and reconstruction of the playing fields of the Town.

Section 6. Select Board
(ART. 24, ATM – 05/07/01)
1. Common Victualler ~~$ 60.00~~ **$100.00**
2. Common Victualler Application $75.00
~~2.~~ **3.** Food Vendor ~~$ 60.00~~ **$75.00**
4. Food Vendor Application $75.00
~~3.~~ **5.**Wine & Malt Beverages Only ~~$1,750.00~~ **$2,500.00**
6. Wine and Malt Beverages Only with TIPS $2,250.00
7. Wine and Malt Beverage Only application $200.00
~~4.~~ **8.** All Alcohol Restaurant ~~$3,000.00~~ **$3,500.00**
9. All Alcohol Restaurant with TIPS $3,150.00
10. All Alcohol Restaurant application $350.00
~~5.~~**11.** All Alcoholic Club ~~$1,000.00~~ **$1,500.00**
12. All Alcohol Club with TIPS $1,350.00
13. All Alcohol Package Store $4,000.00
14. All Alcohol Package Store application $350.00
~~6.~~ **15.** One Day Alcohol. $ ~~25.00~~ **$75.00 for first day, $25.00 for additional consecutive days**
~~7.~~ **16.** Hackney Carriage & Public Auto ~~$50.00~~ **$75.00** per unit
~~8.~~ **17.** Class I and Class II ~~$ 100.00~~ **$150.00**
~~9.~~ **18.** Lodging Houses ~~$ 50.00~~ **$75.00**
19. Inn Holder $100.00
~~10.~~ **20.** Fortune Telling ~~$ 60.00~~ **$100.00**
~~11~~. **21.** Public Entertainment ~~$ 100.00~~ **$150.00**

~~12.~~ **22.** Secondhand Dealer ~~$ 100.00~~ **$150.00**
~~13.~~ **23.** Automatic Amusement Devices ~~$120.00~~ **$150.00** per unit
~~14.~~ **24.** Contractor/Drainlayer ~~$ 75.00~~ **$100.00**
~~15. Dumpster Permit $ 24.00~~
~~16. Awning Permit $ 50.00~~
25. Outdoor Seating (Sidewalk) $100.00
26. Outdoor Seating (Parklet) $250.00 per parking space, maximum of 2 spaces
27. Street Performer $20.00
28. Short Term Rental $100.00 flat rate
29. Theatre License $2,500.00
30. Theatre License with TIPS $2,250.00

Section 7. Department of Public Works
(ART. 29, ATM – 05/09/01) (ART. 30, ATM – 05/09/01)
(ART. 23, ATM – 05/01/02)
~~A. Commercial trash pickup by the Department of Public Works shall require a sticker (s) sold by the Department of Public Works for a fee of $2.30 per week per 4 cubic foot (or 32 gal) container attached to the container. Commercial trash containers without this sticker will not be collected.~~

~~B. Items containing CRT (Cathode Ray Tubes) and white goods including major household appliances such as water heaters, air conditioners, stoves, and refrigerators shall be picked up by the Department of Public Works by appointment if the item is tagged with a sticker sold by the Department of Public Works for a fee of $20.00.~~

A. **Disposal of TVs or computer monitors: $20.00 each**
B. **Disposal of Laptops: $5.00 each**
C. **Disposal of compost bins $25.00 and sink-side food scrap collectors $5.00**
D. **Disposal of Fire extinguishers- $5.00**
E. **Disposal of Mattresses and box springs $45.00**
F. **Purchase of overflow bag $3.00 per bag**

Section 8. Interest on Unpaid Charges:
(ART. 40, ATM – 05/12/97) (ART. 13, ATM – 04/28/99)
Simple interest at 10% per annum shall accrue on all unpaid Town Fees and charges on the first day after the due date.

Section 9. Miscellaneous
~~(ART. 29, ATM – 05/09/01)~~
~~Bicycle Registration $4.00~~

ARTICLE 17 LOCAL OPTION / ACCEPTANCE OF M.G.L. CHAPTER 40, §22F REGARDING FEES

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 40, Section 22F to authorize the town's municipal boards and officers empowered to issue a license, permit, certificate or to render a service of perform work, to set or adjust

reasonable fees for the issuance of those licenses, permits, and for services rendered; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The Board voted unanimously to recommend favorable action on this warrant article to formally adopt, by confirmatory vote, the local option set forth in G.L. c. 40, §22F that allows for municipal boards and officers to establish reasonable fees and charges for permits, licenses or certificates they issue or for any work or services they perform. Ultimately, this popular local option positions those responsible for providing a service to more readily and regularly amend fees in response to changes in costs. The fees would remain subject to approval by the appointing authorities, including the Town Manager and the Select Board. If this provision is adopted, the existing schedule of fees and charges (including any that may be amended under Article 16) will remain in effect until new fees and charges are adopted.

RECOMMENDED VOTE:

That the Town does and hereby accepts the provisions of Massachusetts General Laws, Chapter 40, §22F.

ARTICLE 18 BYLAW AMENDMENT / REGULATION OF LEAD PIPE IN RESIDENTIAL AND COMMERCIAL HOUSING

To see if the Town will vote to amend Title V of the Town Bylaws by adding a new section to require that prior to the sale, of a residential or commercial property, a property owner will be obligated to obtain a certificate that the water supplied to the property is by a lead free water line from the Town valve to the property's water meter; or take any action related thereto.

(Inserted at the request of the Director of Public Works)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: The Board voted unanimously that no action be taken on this article.

This proposed article sought to amend the Town Bylaws to require residential property owners, at the time of sale of that residential property, to certify that the property is serviced by a lead-free water line from the point of the valve on town owned property to the property's water meter. One of the outlined objectives of the proposed bylaw amendment is to further the town's ongoing efforts to comply with the Massachusetts Department of Environmental Protection DEP) and Environmental Protection Agency's (EPA) Lead and Copper Rule

Improvements (LCRI) law and regulations regarding lead water lines.

The Board expressed strong support for Public Works' ongoing efforts to identify and eliminate lead water lines in town and encourages and supports ongoing attempts to address this important issue. Given that the number of potential private properties that could have lead pipes is less than 650, and since full compliance with the LCRI regulations is not required until 2034, the Board questioned whether a bylaw amendment applying to all properties in Town was necessary at this time. Following the hearing, the Town's DPW Director, the proponent of the article, requested that the Board recommend no action.

ARTICLE 19 BYLAW AMENDMENT / ADDITION OF CERTAIN DELINQUENT MUNICIPAL FEES/FINES TO BE A LIEN ON REAL ESTATE TAX ACCOUNT

To see if the Town will vote to amend Title I, Article 21 ("Municipal Charges Liens") of the Town Bylaws; to include in the placement of a lien or liens onto any real estate tax accounts, any fees, fines, or penalties levied by a Town and/or School department upon a resident property owner and/or non-resident property owner of the Town, where such fee, fine, or penalty is delinquent. Said amended Bylaw is in accordance with Section 58 of Chapter 40 "Municipal Charges Lien" of the Massachusetts General Law; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: The Board voted unanimously to recommend favorable action on this warrant article that seeks to streamline the process by which the town recovers delinquent fees and charges. The Board heard from the Town Manager who reported that the article proposes to add eight new categories of fees and charges that could be subject to a municipal charges lien in accordance with the authority set forth in G.L. c. 40, §58. The statute authorizes cities and towns to impose a lien for any municipal charge once authorized by a town meeting vote. If adopted, this expanded process for placement of municipal charges liens would reduce the need for the town to seek recovery of delinquent fees and charges by filing individual lawsuits or seeking criminal complaints; the costs associated with doing so often exceed the fees or charges being sought. Accordingly, recovery of costs due to the town in certain instances could be collected more efficiently.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 21 of the Town's Bylaws so that it reads:

ARTICLE 21
MUNICIPAL CHARGES LIENS
(ART. 26, ATM – 05/06/2009), (ART. 23, ATM – 05/27/11)

In accordance with Chapter 40, Section 58, of the General Laws, Municipal Charges Liens may be placed on real property located within the Town of Arlington related to the following Town charges:

a) parking-violation charges
b) motor-vehicle excise taxes
c) rental charges for town or school property and facilities
d) public-safety details
e) license, permit, and inspection fees
f) charges assessed for snow and ice removal under Title III, Article 1, Sections 24, 25, and 26 of these Bylaws
g) charges assessed for enforcement of Junk Car remediation under Title V, Article 2, Section 2 of these Bylaws;
h) charges assessed for enforcement of Minimum Standards of Fitness for Human Habitation under the State Sanitation Code;
i) charges assessed for removal of a "public health nuisance" defined by G.L. c. 111 sec. 125;
j) **charges assessed for Zoning Bylaw violations;**
k) **charges assessed for leaf blower violations under Title V, Article 12, Section 6 of these Bylaws;**
l) **charges assessed for outdoor lighting violations under Title V, Article 14, Section 6 of these Bylaws;**
m) **charges assessed for tree protection and preservation violations under Title V, Article 16, Section 5 of these Bylaws;**
n) **charges assessed for vacant storefront maintenance registry violations under Title V, Article 17, Section 7 of these Bylaws;**
o) **charges assessed for Building Code violations under Title VI, Article 3, Section 1 of these Bylaws;**
p) **charges assessed for residential construction site control and maintenance violations under Title VI, Article 9 of these Bylaws;**
q) **charges assessed for dog and kennel related violations under Title VIII, Article 2, Sections 1-5 of these Bylaws;**

ARTICLE 20 BYLAW AMENDMENT / CANINE CONTROL

To see if the Town will vote to amend Title VIII, Article 2, Section 4B1 to specify the process to grant a waiver for rabies vaccination and Section 4F3 to waive licensing fees charged to owners 70 years of age and older; or take any action related thereto.

(Inserted at the request of the Town Clerk)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The Board voted unanimously for favorable action on this article.
The first of the proposed amendments to the Town's Canine Control bylaw would align the

Town's bylaw with existing state law regarding the steps necessary to obtain a waiver from the requirement that any dog six months or older must receive a rabies vaccination. The proposed amendment contains the three very limited circumstances that qualify for a waiver. The second proposed change would waive the license fee for dog owners seventy years old or over, an action that is dependent upon Town Meeting's approval of Article 35 in this year's Warrant. If Article 35 is approved by Town Meeting, then the second change will be ripe for consideration.

RECOMMENDED VOTE:

That the Town does and hereby amends Title VIII, Article 2, Sections 4(B)(1) and 4(F)(3) of the Town's Bylaws, or take any action related thereto, so that the new Section 4 reads:

ARTICLE 2
CANINE CONTROL

Section 4. Licensing
(ART. 25, ATM – 04/27/88)
(ART. 23, ATM – 05/04/2009)
(ART. 13, ATM – 04/29/13)
(ART. 8, ATM – 4/26/21)
(ART. 8, ATM – 04/28/25)

A. Licensing Requirement.
   1. License required. The owner or keeper of any dog over the age of six months kept in the Town of Arlington shall obtain a license for the dog from the Town Clerk.
   2. Annual renewal. Licenses issued under this section shall be renewed on an annual basis in accordance with procedures to be determined by the Town Clerk. Licenses are issued for the calendar year and must be renewed every year on or before January 1st, although there is a grace period established in sub-section F before fines are assessed.\
   3. Transfer. Within 30 days of moving into the Town, the owner or keeper of a dog must apply to the Town Clerk for a license.

B. Conditions.
   1. Rabies vaccination. ~~The Town Clerk shall not grant a license unless (i) the license applicant provides a veterinarian's certification or notarized letter that the dog has been vaccinated against rabies; or (ii) the dog is exempted from the vaccination requirement by the Town of Arlington Board of Health or the Town Clerk in accordance with Section 145B of Chapter 140 of the General Laws.~~ **In accordance with M.G.L. ch. 140, section 145B(a), any dog that is 6 months of age or older must be vaccinated against rabies by a licensed veterinarian. The Town Clerk may grant an exemption from this rabies vaccination requirement if, in accordance with section 145B(d), the Town's Board of Health declares one or more of the following: (i) that a dog is medically exempt from such requirement upon the presentation**

of a veterinarian's certificate stating that because of an infirmity, other physical condition or therapy regimen, said vaccination is not advisable for a certain time or based on certain reasons; (ii) that the dog is in transit; or (iii) that the dog was brought into Massachusetts temporarily for the sole purpose of display in a show or for an exhibition.

2. Control. Any license granted under this section is granted on the condition that the licensed dog shall be controlled and restrained from killing, chasing, or harassing livestock or fowl.
3. Previous conviction of animal cruelty. Town Clerk shall not grant a license under this section or Section 5, below, to an applicant who has been convicted of one or more of the offenses set forth in Section 137D of Chapter 140 of the General Laws within the preceding five years.

C. License Forms.
   1. Symptoms of rabies. Every license issued to the owner of a dog shall have a description of the symptoms of rabies printed thereon, as supplied by the state Department of Public Health.
   2. Description of dog. The owner of a dog to be licensed under this section may add to the license application form up to ten descriptive words indicating the dog's color, breed, weight, or any special markings.

D. Tags.
   1. Issuance. Along with the license, the Town Clerk shall issue a durable tag inscribed with the license number, designation of the Town of Arlington, and the year of issue.
   2. Affixed to dog. The owner or keeper of the licensed dog shall keep a collar or harness of leather or other suitable material affixed around the dog's neck or body to which the tag shall be securely attached.
   3. Lost tags. If the tag is lost or destroyed, the owner or keeper shall immediately secure a substitute tag from the Town Clerk for a fee to be determined by the Town Clerk.

E. Exemptions.
   The requirements of this section shall not apply to a dog housed in a research institution.

F. Fees. (ART. 10, ATM – 04/23/18)
   1. Annual license fees. The annual license fees are as follows:
      a. female: $20
      b. spayed female: $15
      c. male: $20
      d. neutered male: $15

To be charged the lower fee for licensing a spayed or neutered dog, the license applicant must provide proof of spay or neuter in the form of either: (a) a certificate from the veterinarian who spayed or neutered the dog; (b) a veterinary bill for performing the

procedure; or (c) a statement signed under the penalties of perjury by a veterinarian registered and practicing in the Commonwealth describing the dog and stating that the veterinarian has examined the dog and that the dog appears to be spayed or neutered and therefore incapable of propagation.

2. Failure to comply; penalties.
    a. Penalty for failure to comply with licensing requirements.

        Failure to comply with this section shall be punishable by a fine of $25 said fine to be assessed by the Town Clerk as part of the fees paid to license a dog.

        Under state law, the Animal Control Officer or other police officer may issue a citation for $50 to any dog owner without a current license for the animal.

        Grace period. Failure to satisfy licensing requirements before the first Thursday following 45 business days of the 1st of January each year arises will constitute a failure to comply with licensing requirements.

    b. Additional late fees.
        Missed year. An additional $25 fine shall be applied by the Town Clerk where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for missed year must be paid in full. These late fees shall be in addition to any other applicable penalty provided for in this Bylaw.

        Multiple penalties. If the owners fail to register a dog for an entire calendar year and apply for a registration outside of the grace period, the fine will consist of the $25 late fee and the $25 skipped year fee, due upon registration in the current year.

3. Waiver of fees.
    a. Service animal. No fee shall be charged for the licensure of a service animal as defined by the Americans with Disabilities Act or regulations promulgated thereunder.
    b. **No fee shall be charged for a license for a dog owned by a person aged 70 years or over in accordance with M.G.L. c. 140,§ 139(c).**

ARTICLE 21 BYLAW AMENDMENT / HOME EQUITY THEFT BAN

To see if the Town will vote to amend the Town Bylaws to prohibit the sale of tax liens to private debt buyers in accordance with Massachusetts State Law; or take any action related thereto.

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

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0).

COMMENT: The Board voted unanimously to recommend that no action be taken on this warrant article that seeks to ban the Town of Arlington from selling tax liens to private debt buyers.

Home Equity Theft, where a city or town sells a home following a tax foreclosure and keeps any proceeds above and beyond the amount due to the municipality, is already illegal, both in Massachusetts and on the federal level. G.L. c. 60, §64A, enacted in 2024, outlines how excess equity must be returned to a property's original owner if the property has been foreclosed. In short, if a city or town forecloses on a home because of unpaid property taxes and sells it, whatever remains of the equity after the balance is paid off must be returned to the former homeowner. Town Counsel noted that G.L. c. 60, §2C details the right of all municipalities in the Commonwealth to assign or transfer these debts and therefore, the petitioner's proposed bylaw amendment is preempted by state law.

The Board expressed its appreciation of Mr. Hamlin's intent to protect the home equity of property owners.

ARTICLE 22 BYLAW AMENDMENT / USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

To see if the Town will vote to amend Title IV, Article 1, which in part protects parks from destructive acts, by expanding protections to park elements not currently listed and clarifying and strengthening consequences for violations; or take any action related thereto.

(Inserted at the request of Elaine Crowder and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: The Board voted 5-0 to recommend favorable action on this warrant article that seeks to increase protection for areas under the jurisdiction of the Park Department. The proposed changes include an expansion of the defined protected areas under the bylaw and an increase in the range of potential fines. The Board believes the amendments improve the existing bylaw by providing additional detail to the protected areas in our parks, while also clarifying that normal use of recreational assets is not to be penalized, and further that there should be discretion on the amount of the fine based on the facts and circumstances.

RECOMMENDED VOTE:

That the Town does and hereby amends Title IV, Article 1 of the Town's Bylaws so that it reads:

TITLE IV
PUBLIC AREAS

ARTICLE 1
USE OF AREAS UNDER CONTROL OF PARK DEPARTMENT

Section 1. Entrances and Exits

No person shall enter or leave any Park, Playground Beach or other area except at regular designated entrances or exits.

Section 2. Protection of Parks

No person shall injure, deface, dig up or displace, cut, break, remove, fill in, raise, destroy, or tamper with any road, walk, **trail,** lawn **soil, naturalized habitat, woodland** or beach; or deface, defile, injure, destroy or ill use any building **or habitat**, bridge, structure, fence, sign, bench, seat, platform, **playing field or court surface, playground surface,** plant, flower, bush, tree, shrub, **wildlife,** turf, **grass,** rock or other property or equipment, real or personal, belonging to the Town of Arlington under the jurisdiction of the Park Department, or have possession of any part thereof. **Damage due to normal wear and tear associated with the intended use of park property or equipment, real or personal, shall be exempt from Section 11 fines.**

Section 3. Actions Prohibited

A. No person shall within any park or playground area throw any stone or missile; or have possession of or discharge any destructive weapon, firearm, fireworks, torpedo or explosive; or make a fire except by written consent of the Park Commissioners; or post, paint, affix, distribute or display any sign, notice, circular, program, placard or any other advertising device except by written consent of the Park Commissioners; or drop or place and suffer to remain any piece of paper, garbage or other refuse, except in the receptacles designated therefor, nor throw a lighted match, cigar, cigarette or other burning substance in said receptacles, or upon the ground; nor bring or cause to be brought within any area under the control of said Park Department any garbage, refuse or material for the purpose of depositing same within said receptacles; or bring or cause to be brought within any area under the control of the Park Department glass containers or any articles made of glass; or break or cause to be broken any glass containers or any articles made of glass within any area under the control of the Park Department.
B. No person shall within a park or playground area solicit the acquaintance of or annoy another person; or utter loud outcry; or solicit alms or subscriptions; or have possession of or drink any intoxicating liquor; or make a harangue; or make any undue noise or disturbance.
C. No person shall within a park or playground area have possession of or drink any intoxicating liquor.
D. No person shall within a park or playground have in their possession an opened glass beverage container.
E. No dumping of any kind shall be made within any park or playground area, except by written consent of the Park Commissioners.

Section 4. Permit Required
(ART. 30, ATM – 05/05/04)

A permit is required for all organized groups to utilize a playing field. The Parks and Recreation Department may issue such permits as it deems appropriate with reasonable regulations as it shall determine relating to utilization of property under its jurisdiction. The regulations may include without limitation consideration as to the condition of the fields as affected by inclement weather or overuse.

Section 5. Hours of Operation

All areas under the care and control of the Board of Park and Recreation Commissioners are considered to be opened at 5:00 A.M. and closed at 9:00 P.M., unless extended by the written consent of said Board. Anyone found on said premises between the hours of 9:00 P.M. and 5:00 A.M. without permission shall be considered to be trespassers.

Section 6. Golf Prohibited

The playing of golf is strictly prohibited in or upon all areas under the care and control of the Park Department.

Section 7. Bathing Attire Required

No person unless properly clothed, shall be upon any beach, or swim, bathe or wade in any water within or adjoining any area under the care and control of the Park Department and then only at such times and in such places as the Park Commissioners may designate; nor loiter or walk upon a sidewalk or roadway or about an area, other than a bathing beach, in a bathing costume, unless wearing a closed covering; nor lower from their shoulders or remove any part of their bathing costume on any beach; nor disrobe for bathing in a public sanitary or within public view.

Section 8. Animal Control
(ART. 9, ATM – 04/28/03), (ART. 36, ATM – 5/12/10)

No person shall cause or permit any animal owned by them or in their custody or under their control, to roam or be at large, in, on or through any park or playground, except in any area designated by the Board of Park and Recreation Commissioners as a "Dog Park", "Dog Run", or "Dog Exercise Area" or, except a dog when restrained by a leash not exceeding six (6) feet in length. No animals are allowed on any beach under the care and control of the Park Department. Notwithstanding the foregoing, from park opening time until 9 am, a maximum of two dogs per handler may be off-leash, under effective owner control, in all lands under control of the Parks and Recreation Commission except:

A. those lands directly contiguous to school properties;
B. within 15 feet of playground equipment;
C. by specific exclusion of the Parks and Recreation Commission.

Section 9. Certain Travel Prohibited

No person shall ride or drive an animal or ride a bicycle or motorcycle, or ride or drive a motor car or other vehicle upon or over any area under the care and control of the Park Department which has been closed to travel by the placing therein or the erection thereon of a barrier, fence, light or sign indicating that such area is closed for public travel.

Section 10. Signs and Direction of Town Personnel

No person shall refuse or neglect to obey any rule, posted by sign concerning the use of any area under the care and control of the Park Department; nor shall they refuse or neglect to obey any reasonable direction of a police officer or a person in charge of such area.

Section 11. Violation and Fines
(ART. 30, ATM – 05/05/04)

Any person violating any of the foregoing, except **Section 2,** Section 3C or Section 4 and Section 8 shall be punished by a fine of not more than twenty ($20) dollars. Any person violating Section 8 for each offense, shall be punished by a fine of not more than fifty ($50) dollars. **Any person violating Section 2 for each offense, shall be punished by a fine of not more than one hundred ($100) dollars.** Any person violating Section 3C or Section 4, for each offense, shall be punished by a fine of not more than three hundred ($300) dollars.

ARTICLE 23 BYLAW AMENDMENT / TREE PRESERVATION AND PROTECTION

To see if the Town will vote to amend Title V, Article 16 of the Town Bylaws (the tree preservation bylaw) to extend existing protections for trees 6 inches DBH and larger in the setback areas to include trees 10 inches DBH and larger on the rest of the lot beyond the setback. It will modify the definition of protected tree, the protections for trees not removed, and the replacement requirements for trees removed; or take any action related thereto.
(Inserted at the request of Jennifer Cutraro and Robin Bergman and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0).
COMMENT: The Board voted unanimously that no action be taken on this article. The Board heard from the article's proponents regarding the article's intended purpose to further the protection of trees on private land under the town's Tree Protection and Preservation Bylaw (Title V, Article 16), which applies under certain conditions when structures are demolished, expanded or constructed.

At present, the bylaw defines a "protected tree" as "any existing healthy tree on private land with a DBH of six (6) inches or greater, located in the setback area, which does not pose an immediate hazard to persons or property or is not under imminent threat of disease or insect

infestation." This proposal would expand that definition to include all trees on private land with a DBH of ten (10) inches or greater, whether or not they are located in the property's setback.

The Board supports the proponents' goal of protecting more trees in Arlington but recommends no action at this time due to a need for additional information and input from vested parties, including the Department of Public Works and the Tree Committee, and further analysis of the impact that this proposal may have on property issues before the Redevelopment Board, Zoning Board of Appeals, and the Conservation Commission. It further notes that the Tree Committee is not presently endorsing the proposal, pending further study.

ARTICLE 24 BYLAW AMENDMENT / 17 IRVING STREET REVOLVING FUND

To see if the Town will vote to amend Title I, Article 22 of the Town Bylaws by adding a new section to establish and authorize a revolving fund as provided under M.G.L. c. 40 § 3 to utilize monies received through the lease of 17 Irving Street so that those monies may be utilized for the upkeep of the rented facility or space; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The proposed article will add a new section to Title I, Article 22, Section 5 related to the rental and leasing of the town owned property at 17 Irving Street. Through this proposed amendment, monies received from tenants shall be kept within the revolving fund and utilized for the upkeep of the property. In addition, the proposed amendment will allow capital improvement contributions called for in the recently executed fifteen-year lease with Arlington Children's Center to be carried forward to fund future capital improvements at the property. It will also simplify the procedures for the receipt and allocation of expense reimbursements from tenants, most notably those made for utilities. If approved, this revolving fund, like other revolving funds, would be subject to the setting of an annual expenditure cap that will require approval from Town Meeting each year.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 22, Section 5 of the Town's Bylaws, or take any action related thereto, so that the new Section reads:

5. Authorized Revolving Funds.

A	B	C	D	E	F	G
Revolving Fund	**Department, Board, Committee, Agency or Officer Authorized to Spend from Fund**	**Fees, Charges or Other Receipts Credited to Fund**	**Program or Activity Expenses Payable from Fund**	**Restrictions or Conditions on Expenses Payable from Fund**	**Other Requirements and/or Reports**	**Fiscal Years**

Maintenance of Public Ways	DPW/Town Manager	Receipts derived from street excavations as authorized by Section 18 of Article 9 of the Bylaws.	To defray the cost of repairs, rehabilitation, and reconstruction of public ways and sidewalks.		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Private Ways	DPW/Town Manager	Fees charged to the private way abutters as in Section 5 thereof.	To defray the costs of repairs to private ways undertaken pursuant to Section 20 of the Bylaws		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Fox Library Community Center Rentals	Library/Town Manager	Rental of the Fox Library and the Community Center located there.	To defray the cost of various expenses related to non-town government organizations who utilize the Fox Library and the Community Center located there.	Included, but not limited to maintenance and custodial services.	Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Robbins House Rentals	Health and Human Services/Town Manager	Rental of the Robbins House	To defer the cost of the upkeep of the Robbins House, its appurtenant grounds, and other charges related to the rental of the property.		All revenues received above annual spending authorization to be deposited into the Town's General Fund.	FY2019 and subsequent years
Conservation Commission Fees	Conservation Commission	Fees charged to applicants who file "Notices of Intent or Request for Determination of Applicability". This fee is called the "consultant fee".	Reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to come to a final decision on the application.	Specific consultant may include, but are not limited to, performing or verifying the accuracy of a resource areas survey and delineation, analysis of resource area functions -- including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.	The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee or any act related thereto may appeal according to the provisions of Mass. General Laws.	FY2019 and subsequent years
Life Support Services	Fire	Receipts associated with providing emergency medical services.	Expenses associated with providing emergency medical services.			FY2019 and subsequent years

Board of Health Fees	Health and Human Services	Fees from permits, reinspections, seminars, and fines of the Board of Health.	Expenses associated with funding programs of the Board of Health.			FY2019 and subsequent years
Field User Fees	Town Manager	Fees from users of Town owned playing fields, including grants and gifts.	Maintenance and reconstruction of the playing fields.	Such funds to be expended by the Town Manager.		FY2019 and subsequent years
Robbins Library Rentals	Library	Rentals of certain meeting rooms in the Robbins Memorial Library.	Upkeep of said meeting rooms in the Robbins Memorial Library.			FY2019 and subsequent years
Town Hall Rentals	Health and Human Services	Rentals of the Robbins Memorial Town Hall Auditorium.	Upkeep of said Robbins Memorial Town Hall Auditorium			FY2019 and subsequent years
Recycling Fees	DPW	Fees for a pick-up of so-called white goods, computers, and televisions.	To defray the cost of pick up and to establish a program to educate and facilitate the public's understanding of the Town's recycling Bylaw, including its enforcement provisions.			FY2019 and subsequent years
Library Vending Fees	Library	Fees for per-page use of printers and copy machines in the Robbins Library and the Fox Library by members of the public.	To obtain supplies for copy machines, such as paper, toner, and cartridges and, if sufficient revenues are received, to offset the costs of leasing those machines.			FY2019 and subsequent years
Cemetery Chapel Rentals	DPW	Rental fees associated with the rental of the Cemetery Chapel.	To pay for costs associated with the rental and care and maintenance of the Chapel.			FY2019 and subsequent years
Council on Aging Program Fees	Health and Human Services	Fees for programs of the Council on Aging.	To pay for costs of administering COA programs.			FY2019 and subsequent years

Energy Efficiency and Electrification	DPCD/Town Manager	State, Federal and utility energy efficiency and electrification rebates, incentives and tax credits	To defray the cost of energy efficiency, renewable energy and electrification projects		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year. Capital Planning Committee shall authorize all expenditures greater than $75,000.	FY2026 and subsequent years
17 Irving Street Rentals and Lease	**Town Manager**	**Rentals and lease of the Town owned property located at 17 Irving Street**	**Upkeep and maintenance of the Town owned property located at 17 Irving Street**			**FY 2027 and subsequent years**

ARTICLE 25 BYLAW AMENDMENT / COMMUNITY CENTER REVOLVING FUND

To see if the Town will vote to amend Title I, Article 22 of the Town Bylaws by adding a new section to establish and authorize a revolving fund as provided under M.G.L. c. 44, §53E½ to utilize monies received through the private use of space at 27 Maple Street so that those monies may be utilized for the upkeep of the rented facility or space; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: The Board voted unanimously for favorable action on this article. The proposed article will add a new section to Title I, Article 22, Section 5 related to short term rentals of space at the town's Community Center located at 27 Maple Street.

Since its recent renovation, 27 Maple Street, particularly the lower level with its commercial grade kitchen, has become more attractive to groups looking for short term rental space for special events. The establishment of this revolving fund would allow the Town to account for upkeep and maintenance of the space with revenue set aside for those expenses that will help offset general fund costs. To assure that the management of short-term rentals does not create undue conflicts with other community groups or senior citizen events at the Community Center, the proposed bylaw amendment calls for the Health and Human Services Director, with oversight by the Town Manager, to administer the fund.

This revolving fund, like other revolving funds, would be subject to the setting of an annual expenditure cap that will require approval from Town Meeting each year.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 22, Section 5 of the Town's Bylaws, or take any action related thereto, so that the new Section reads:

5. Authorized Revolving Funds.

A	B	C	D	E	F	G
Revolving Fund	**Department, Board, Committee, Agency or Officer Authorized to Spend from Fund**	**Fees, Charges or Other Receipts Credited to Fund**	**Program or Activity Expenses Payable from Fund**	**Restrictions or Conditions on Expenses Payable from Fund**	**Other Requirements and/or Reports**	**Fiscal Years**
Maintenance of Public Ways	DPW/Town Manager	Receipts derived from street excavations as authorized by Section 18 of Article 9 of the Bylaws.	To defray the cost of repairs, rehabilitation, and reconstruction of public ways and sidewalks.		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Private Ways	DPW/Town Manager	Fees charged to the private way abutters as in Section 5 thereof.	To defray the costs of repairs to private ways undertaken pursuant to Section 20 of the Bylaws		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Fox Library Community Center Rentals	Library/Town Manager	Rental of the Fox Library and the Community Center located there.	To defray the cost of various expenses related to non-town government organizations who utilize the Fox Library and the Community Center located there.	Included, but not limited to maintenance and custodial services.	Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Robbins House Rentals	Health and Human Services/Town Manager	Rental of the Robbins House	To defer the cost of the upkeep of the Robbins House, its appurtenant grounds, and other charges related to the rental of the property.		All revenues received above annual spending authorization to be deposited into the Town's General Fund.	FY2019 and subsequent years
Conservation Commission Fees	Conservation Commission	Fees charged to applicants who file "Notices of Intent or Request for Determination of Applicability". This fee is called the "consultant fee".	Reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to come to a final decision on the application.	Specific consultant may include, but are not limited to, performing or verifying the accuracy of a resource areas survey and delineation, analysis of resource area functions -- including wildlife habitat evaluations,	The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is necessary. Any applicant aggrieved by the imposition of, or size of, the	FY2019 and subsequent years

				hydrogeologic and drainage analysis, and environmental or land use law.	consultant fee or any act related thereto may appeal according to the provisions of Mass. General Laws.	
Life Support Services	Fire	Receipts associated with providing emergency medical services.	Expenses associated with providing emergency medical services.			FY2019 and subsequent years
Board of Health Fees	Health and Human Services	Fees from permits, reinspections, seminars, and fines of the Board of Health.	Expenses associated with funding programs of the Board of Health.			FY2019 and subsequent years
Field User Fees	Town Manager	Fees from users of Town owned playing fields, including grants and gifts.	Maintenance and reconstruction of the playing fields.	Such funds to be expended by the Town Manager.		FY2019 and subsequent years
Robbins Library Rentals	Library	Rentals of certain meeting rooms in the Robbins Memorial Library.	Upkeep of said meeting rooms in the Robbins Memorial Library.			FY2019 and subsequent years
Town Hall Rentals	Health and Human Services	Rentals of the Robbins Memorial Town Hall Auditorium.	Upkeep of said Robbins Memorial Town Hall Auditorium			FY2019 and subsequent years
Recycling Fees	DPW	Fees for a pick-up of so-called white goods, computers, and televisions.	To defray the cost of pick up and to establish a program to educate and facilitate the public's understanding of the Town's recycling Bylaw, including its enforcement provisions.			FY2019 and subsequent years
Library Vending Fees	Library	Fees for per-page use of printers and copy machines in the Robbins Library and the Fox Library by members of the public.	To obtain supplies for copy machines, such as paper, toner, and cartridges and, if sufficient revenues are received, to offset the costs of leasing those machines.			FY2019 and subsequent years

Cemetery Chapel Rentals	DPW	Rental fees associated with the rental of the Cemetery Chapel.	To pay for costs associated with the rental and care and maintenance of the Chapel.			FY2019 and subsequent years
Council on Aging Program Fees	Health and Human Services	Fees for programs of the Council on Aging.	To pay for costs of administering COA programs.			FY2019 and subsequent years
Energy Efficiency and Electrification	DPCD/Town Manager	State, Federal and utility energy efficiency and electrification rebates, incentives and tax credits	To defray the cost of energy efficiency, renewable energy and electrification projects		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year. Capital Planning Committee shall authorize all expenditures greater than $75,000.	FY2026 and subsequent years
Community Center Rentals	**Health and Human Services/Town Manager**	Rentals of certain community spaces and meeting rooms in the Community Center located at 27 Maple St.	**Upkeep and maintenance of the Town owned Community Center**		**Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.**	**FY 2027 and subsequent years**

ARTICLE 26 BYLAW AMENDMENT / RECYCLING REVOLVING FUND

To see if the Town will vote to amend Title I, Article 22 of the Town Bylaws by revising the language of the Recycling Fees Revolving Fund to update the fees, charges or other receipts credited to the fund, and the program or activity expenses payable from the fund; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: This article will amend Title I, Article 22, Section 5 by adding to the types of fees credited to the already existing Recycling Fees Revolving Fund. Specifically, it seeks to add cart fees and overflow bags, as well as refine the existing language to encompass all electronics and metal items currently processed at the Reuse and Recycle Center. Further, fees for the pick-up of so-called white goods are proposed for removal as these items are no longer processed by the Town. Following the Town's shift last year to a new trash and recycling vendor, overflow bag fees are now part of the Town's curbside collection program and cart-related fees may be contemplated in the future.

This revolving fund, like other revolving funds, is subject to the setting of an annual expenditure cap that requires approval from Town Meeting each year.

RECOMMENDED VOTE:

That the Town does and hereby amends Title I, Article 22, Section 5 of the Town's Bylaws, or take any action related thereto, so that the new Section reads:

5. Authorized Revolving Funds.

A	B	C	D	E	F	G
Revolving Fund	**Department, Board, Committee, Agency or Officer Authorized to Spend from Fund**	**Fees, Charges or Other Receipts Credited to Fund**	**Program or Activity Expenses Payable from Fund**	**Restrictions or Conditions on Expenses Payable from Fund**	**Other Requirements and/or Reports**	**Fiscal Years**
Maintenance of Public Ways	DPW/Town Manager	Receipts derived from street excavations as authorized by Section 18 of Article 9 of the Bylaws.	To defray the cost of repairs, rehabilitation, and reconstruction of public ways and sidewalks.		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Private Ways	DPW/Town Manager	Fees charged to the private way abutters as in Section 5 thereof.	To defray the costs of repairs to private ways undertaken pursuant to Section 20 of the Bylaws		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Fox Library Community Center Rentals	Library/Town Manager	Rental of the Fox Library and the Community Center located there.	To defray the cost of various expenses related to non-town government organizations who utilize the Fox Library and the Community Center located there.	Included, but not limited to maintenance and custodial services.	Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year.	FY2019 and subsequent years
Robbins House Rentals	Health and Human Services/Town Manager	Rental of the Robbins House	To defer the cost of the upkeep of the Robbins House, its appurtenant grounds, and other charges related to the rental of the property.		All revenues received above annual spending authorization to be deposited into the Town's General Fund.	FY2019 and subsequent years
Conservation Commission Fees	Conservation Commission	Fees charged to applicants who file "Notices of Intent or Request for Determination of Applicability". This fee is called the "consultant fee".	Reasonable costs and expenses borne by the Commission for specific expert engineering and other consulting services deemed necessary by the Commission to	Specific consultant may include, but are not limited to, performing or verifying the accuracy of a resource areas survey and delineation, analysis of	The Commission shall return any unused portion of the consultant fee to the applicant unless the Commission decides at a public meeting that other action is	FY2019 and subsequent years

			come to a final decision on the application.	resource area functions -- including wildlife habitat evaluations, hydrogeologic and drainage analysis, and environmental or land use law.	necessary. Any applicant aggrieved by the imposition of, or size of, the consultant fee or any act related thereto may appeal according to the provisions of Mass. General Laws.	
Life Support Services	Fire	Receipts associated with providing emergency medical services.	Expenses associated with providing emergency medical services.			FY2019 and subsequent years
Board of Health Fees	Health and Human Services	Fees from permits, reinspections, seminars, and fines of the Board of Health.	Expenses associated with funding programs of the Board of Health.			FY2019 and subsequent years
Field User Fees	Town Manager	Fees from users of Town owned playing fields, including grants and gifts.	Maintenance and reconstruction of the playing fields.	Such funds to be expended by the Town Manager.		FY2019 and subsequent years
Robbins Library Rentals	Library	Rentals of certain meeting rooms in the Robbins Memorial Library.	Upkeep of said meeting rooms in the Robbins Memorial Library.			FY2019 and subsequent years
Town Hall Rentals	Health and Human Services	Rentals of the Robbins Memorial Town Hall Auditorium.	Upkeep of said Robbins Memorial Town Hall Auditorium			FY2019 and subsequent years
Recycling Fees	DPW	Fees for ~~a pick up of so-called whites goods, computers, and televisions~~ **collection of electronics, mattresses and metal items, and cart and overflow bag fees.**	To defray the cost of pick up and to establish a program to educate and facilitate the public's understanding of the Town's recycling Bylaw, including its enforcement provisions.			FY2019 and subsequent years
Library Vending Fees	Library	Fees for per-page use of printers and copy machines in the Robbins Library and the Fox Library by members of the public.	To obtain supplies for copy machines, such as paper, toner, and cartridges and, if sufficient revenues are received, to offset the costs of leasing those machines.			FY2019 and subsequent years

Cemetery Chapel Rentals	DPW	Rental fees associated with the rental of the Cemetery Chapel.	To pay for costs associated with the rental and care and maintenance of the Chapel.			FY2019 and subsequent years
Council on Aging Program Fees	Health and Human Services	Fees for programs of the Council on Aging.	To pay for costs of administering COA programs.			FY2019 and subsequent years
Energy Efficiency and Electrification	DPCD/Town Manager	State, Federal and utility energy efficiency and electrification rebates, incentives and tax credits	To defray the cost of energy efficiency, renewable energy and electrification projects		Town Manager shall authorize all expenditures and shall report to the Annual Town Meeting all receipts and expenditures for each Fiscal Year. Capital Planning Committee shall authorize all expenditures greater than $75,000.	FY2026 and subsequent years

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ARTICLE 27 VOTE / ENVISION ARLINGTON STANDING COMMITTEE QUORUM

To see if the Town will vote to amend the structure of the Envision Arlington Standing Committee regarding the method for calculating a quorum; or take any action related thereto.

(Inserted at the request of the Envision Arlington Standing Committee)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: The Board voted unanimously that no action be taken under this Article. The Board continues to support the work of Envision Arlington and its Standing Committee, but the sentiment of the Board was that adjusting the quorum requirements of the Standing Committee by Town Meeting vote was not something it should do, particularly where the proposed amendment would be in conflict with the quorum requirement contained in the Open Meeting Law (G.L.c.30A, sec.18).

The rationale for the proposed vote to change the Standing Committee's quorum requirement (currently a majority of its vote prescribed membership of nine members) was that the Committee has been unable to meet on a number of occasions over the past year because it has only six of the nine memberships filled. While the Board recognizes the Committee's difficulty, it was uncomfortable with the proposal and its potential to impact requests from other town commissions and committees to have their quorum requirements adjusted in certain circumstances.

ARTICLE 28 HOME RULE LEGISLATION / ADDITIONAL ON PREMISES ALL ALCOHOL LICENSES

To see if the Town will vote to authorize the Select Board to file Home Rule Legislation that would grant the Town additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to Section 12 of Chapter 138 of the General Laws; or take any action related thereto.

(Inserted at the request of the Select Board)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (4-0)
Mr. Helmuth recused himself.

COMMENT: The Board voted unanimously to recommend favorable action on this article, which seeks authorization to file home rule legislation that would grant the town ten additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to G.L. c. 138, §12, increasing the total number of licenses from twenty to thirty.

Although the Select Board acts as the town's local licensing authority for the sale of alcoholic beverages, changes to the number of available licenses requires legislative approval. From the initial issuance of all alcohol licenses in 2005, the Town has filed special legislation for a set number of licenses that is below the default number of fifty otherwise allowed under state law based on the Town's population.

Of the twenty available licenses, the Town has issued sixteen, with applications for two additional licenses currently pending before the Board. Going forward, it is expected there will be additional demand for all alcohol licenses since the Board recently reduced from fifty to twenty the minimum seating capacity for premises that seek all alcohol licenses. It is the Board's hope that the increase in the number of licenses will allow for further growth in the number of restaurants in Town while also avoiding the creation of a secondary market for licenses once all of the current licenses have been issued.

Consistent with the Board's prior practice to seek Town Meeting approval to file home rule legislation that would permit the Board to place the question of whether to increase the number of licenses on the ballot for a town wide vote. If approved and passed by the state legislature, it is expected that this matter would be on the ballot for the town's 2027 Annual Town Election.

PROPOSED HOME RULE LEGISLATION:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT TO INCREASE THE NUMBER OF ALL-ALCOHOL LICENSES FOR RESTAURANTS IN THE TOWN OF ARLINGTON

Section 1. Notwithstanding any general or special law to the contrary including without limitation Sections 11A and 17 of Chapter 138 of the General Laws and Chapter 398 of the Acts and Resolves of 2014, the Select Board in the Town of Arlington shall cause to be placed upon the official ballot used in the Town of Arlington at its annual Town Meeting to be held in the year 2027 the following question: 'Shall the Select Board be authorized to grant an additional ten licenses for a total of thirty for the sale therein of all-alcoholic beverages by restaurants and function rooms having a seating capacity of not less than twenty persons?'

Yes ☐ No ☐

Section 2. If a majority of the votes cast in said Town in answer to said question is in the affirmative, said Town shall be taken to have increased from twenty to thirty the number of licenses in the Town of all-alcoholic beverages to be drunk on the premises of restaurants and function rooms having a seating capacity of not less than twenty persons. Said thirty licenses shall be subject however, to all the other provisions of said Chapter 138, except those that provide for a limitation as to the number of licenses permitted or the wording of the question posed to the voters.

Section 3. This Act shall take effect upon its passage."

ARTICLE 29 HOME RULE LEGISLATION / RECALL ELECTIONS

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation to amend Sections 36 through 44 of the Town Manager Act to update provisions for recall elections; or take any action related thereto.

(Inserted at the request of the Town Clerk)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (4-0)
Mr. Helmuth recused himself.

COMMENT: This article calls for the filing of a home rule petition that would allow the Town to amend the Town Manager Act to revise the process for calling and conducting a recall election.

Town Clerk, Juli Brazile appeared before the Board and explained that the goal of the legislation is to update the current recall election language so that it is consistent with state election law. Ms. Brazile noted that under the current timelines set forth in the Town Manager Act, it would be very difficult to meet the prescribed deadlines. The proposed legislation would not change the fact that Arlington is among the approximately one half of Massachusetts communities that have a recall election process as part of its charter or bylaws. The Board supports the continuation of a recall election process and voted unanimously 4-0 (Mr. Helmuth recused himself) in favor of the proposed home rule legislation.

PROPOSED HOME RULE LEGISLATION:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

AN ACT PROVIDING FOR RECALL ELECTIONS IN THE TOWN OF ARLINGTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

Section 1. Delete Sections 36 through 44 and insert in its place the following:

Section 36. Recall Elections in the Town of Arlington.

a. Applicable Offices. Any person who holds an elective office may be recalled from that office by the registered voters of the Town as provided herein.
b. Recall Petition, Preparation, Filing.
    a. An initial recall affidavit signed by not less than 50 registered voters of the town containing the voters' names and addresses may be filed with the town clerk. The initial recall affidavit shall contain
        i. the name of the officer sought to be recalled;
        ii. the name of the office sought to be recalled; and
        iii. a statement describing the grounds for a recall.

    The town clerk shall immediately forward the initial recall affidavit to the board of registrars of voters for verification of signatures.
c. Verification of Signatures by the Board of Registrars. The board of registrars of voters shall verify the signatures on the initial recall affidavit within 14 calendar days of receipt of the initial recall affidavit. If the initial recall affidavit is found to contain a sufficient number of verified signatures, the town clerk shall deliver to the first 10 registered voters who signed the affidavit a formal numbered and printed recall petition sheet with the town clerk's official seal and addressed to the select board demanding the recall and the election of a successor to the office. Prior to the delivery of the recall petition sheet, the town clerk shall fill out the top portion of each recall petition sheet naming the elected official sought to be recalled, the grounds for recall stated in the initial recall affidavit, the names of the first 10 registered voters who signed the affidavit and shall demand the election of a successor to the office. A copy of the recall petition shall be entered in a record book to be kept in the office of the town clerk
d. Filing of the Recall Petition Sheets. Not later than 20 days from the date of delivery of the recall petition sheets, the 10 registered voters of the town to whom the town clerk delivered recall petition sheets shall file their signed recall petition sheets with the town clerk containing the signatures, names and street addresses of not less than

[20 per cent] of the registered voters of the town as of the date the initial recall affidavit was filed with the town clerk.

e. Submission of Certified Petition. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be submitted with the certificate of the town clerk to the select board without delay. The select board shall give written notice of the receipt of the certified petition to the officers ought to be recalled. If the officer does not resign within 5 calendar days of the date notice is given by the select board, the select board shall promptly order an election to be held on a date fixed by them not less than 64 nor more than 90 days after receipt of the certified petition; provided, however, that if any other town election is scheduled to occur within 100 days after the date of receipt of the certified petition, the select board may postpone the holding of the recall election to the date of the other election and may include the question of recall on the ballot for that other election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

f. Successor to Office. An officer sought to be recalled may be a candidate to succeed the officer in an election to be held to fill the vacancy.

g. Nomination of Candidates. The question of recalling any number of officers may be submitted at the same election but each recall must be on a separate ballot. The nomination of candidates to succeed an officer whose recall is sought, the publication of the warrant for the recall election and the conduct of such election shall all be in accordance with the provisions of the General Laws applicable thereto.

h. Duties of the Incumbent. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If recalled and not re-elected in the recall election, the incumbent shall be considered removed from office immediately and the office vacant.

i. Ballots. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF [NAME OF OFFICER] ( )
AGAINST THE RECALL OF [NAME OF OFFICER] ( )

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "Candidates" with directions to voters as required by section 42 of chapter 54 of the General Laws. Beneath the word "Candidates" shall appear the names of candidates nominated as provided herein, and placed in order in accordance with Chapter 31 of the Acts of 1972.

Adjacent to the name of each candidate shall be a place to mark a vote. If a majority of the votes cast upon the question of recall are in favor of recall, the officer shall be recalled and the votes for the candidates shall be counted. In that instance, the

candidate receiving the highest number of votes shall be declared elected for the open office. If less than a majority of the votes cast are in favor of recall, the votes for candidates shall not be counted.

j. Timing for Recall Petition. An initial recall affidavit shall not be filed against an officer within 3 months after the officer takes office or within the last 3 months of the term. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least 3 months have elapsed after the election at which the previous recall was submitted to the voters of the town.

k. Effect of Recall. A person who has been recalled from an office or who has resigned from office while a recall petition was pending against them shall not be appointed to any town office within 2 years after the recall or resignation.

ARTICLE 30 HOME RULE LEGISLATION / REPEAL MBTA PROHIBITION

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation to repeal Chapter 504, Section 16 of the Acts of 1980, in which "the Massachusetts Bay Transportation Authority is hereby prohibited from further planning or construction of the red line northwest rapid transit extension beyond a point on the so-called Lexington Branch railroad right of way located six hundred feet more or less northwesterly of Route 2 unless specifically authorized to do so by law"; or take any action related thereto.

(Inserted at the request of Paul Schlichtman and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (4-0)
Mr. Helmuth recused himself.

COMMENT: The Board voted unanimously, 4-0 (with Mr. Helmuth recusing himself), to recommend that no action be taken on this article seeking to authorize the filing of home rule legislation to delete Section 16 of Chapter 504 of the Acts of 1980.

Chapter 504 was a special act of the legislature that allowed the MBTA to take easements and other interests in real property for the completion of the red line extension to Alewife Station. Section 16 contained a limited restriction prohibiting the MBTA from further planning or construction of the "northwest rapid transit extension" beyond a point 600 feet northwest of Route 2 unless specifically authorized to so by a future enacted law. Section 16's limited restriction ended upon completion of the Northwest Extension in 1985.

Had the legislature desired that this restriction be permanent, it would not have identified the Northwest Extension specifically and it would have inserted language making clear that it would apply notwithstanding any special act or general law to the contrary. Alternatively, the legislature could have made the restriction permanent by amending the MBTA's Enabling Act contained in G.L., c. 161A (the "Enabling Act"), specifically Section 3, paragraphs (g) and (k), which gives the MBTA broad authority to plan and construct transportation facilities within its territory.

The Board notes that the proponent cited as precedent here actions taken by Town Meeting in calendar year 2023 to repeal Chapter 439 of the Acts of 1976, which prohibited the construction of a "mass transit facility" within 75 yards of Arlington Catholic High School. Among other differences with Chapter 504, Chapter 439 applied to a specific location in Arlington and did not limit the restriction to a facility constructed as part of the Northwest Extension. Further, Chapter 439 contained the following preamble: "Notwithstanding the provisions of paragraphs (g) and (k) of section three of [the Enabling Act], or any other general or special law to the contrary." There is no similar language in Chapter 504.

The Board is also aware that in current practice, the MBTA does not view Chapter 504 as a limitation on its planning functions. In its most recent capital planning report for FY 2026-2030, the MBTA reported that it received at least five requests to explore a red line extension to Arlington. In response, the MBTA stated it had identified other priorities for the approximately $440 million dedicated to red line improvements and observed that the capital plan did not include funding for any heavy rail expansion projects.

Finally, the Board recognizes the burden that home rule legislation places upon the town's legislative delegation. The recommended vote reflects the Board's position that there are several home rule petitions (i.e. FGARs and SGARs restrictions, real estate transfer fee, increasing the number of all alcohol licenses for restaurants, elimination of Chapter 61B recreational land classification) the Town has pending or will have pending with the legislature that are of more immediate significance than the repeal of Chapter 504.

ARTICLE 31 HOME RULE LEGISLATION / 61B EXEMPTION

To see if the Town will vote to authorize and request the Select Board to file Home Rule Legislation or other Special Legislation exempting the Town from the requirement to accept and grant applications for valuation, assessment, and taxation of land under the provisions of Mass. Gen. Laws Chapter 61B while maintaining the Town's first refusal option and ability to collect any and all applicable conveyance and roll-back taxes for applications previously granted under Mass. Gen. Laws Chapter 61B; or take any action related thereto.

(Inserted at the request of Carmine Granucci and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (3-1)

Mr. Helmuth recused himself.

Mr. DeCourcey voted in the negative.

COMMENT: The Board voted 3-1 (with Mr. Helmuth recusing himself) to recommend favorable action on this article that seeks to authorize the filing of home rule legislation to exempt Arlington from the provisions of G.L. c. 61B that allow for owners of certain types of land defined as recreational to apply for and receive a reduced property tax valuation. The Board heard from the article's petitioner, Carmine Granucci, who reported that this statute has over the years provided a significant benefit to the Belmont and Winchester Country Clubs, entities that both own land in Arlington.

The Board expressed some concern regarding the applicability of this particular action on what is a matter of state law. During the Board's discussion, it became apparent that due to the statute's requirements regarding type of use and lot size, the only properties in Arlington that qualify for relief under the statute are the golf courses mentioned by the petitioner. Ultimately, the Board determined that the potential impact of elimination Chapter 61B in Arlington, estimated by Mr. Granucci at approximately $18,254 based on current tax rates, would be a benefit to the town and not unreasonably impact the listed entities. Accordingly, the Board voted 3-1 for favorable action on this article. It should also be noted the Board requested that the Board of Assessors review the warrant article as it relates to exemption applications they process. The Board of Assessors voted unanimously to support Article 31 at their April 6, 2026, meeting.

PROPOSED HOME RULE LEGISLATION:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT UPDATING THE TAX TREATMENT OF RECREATIONAL LANDS IN THE TOWN OF ARLINGTON

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

a) **Notwithstanding any special or general law to the contrary, sections 2, 2A, and 16 of chapter 61B of the General Laws pertaining to the valuation, assessment, and taxation of recreational land (as defined in that chapter) shall not apply in the Town of Arlington's assessment or taxation of recreational land after July 1, 2028.**
b) **Beginning July 1, 2028, landowners shall not submit, and the Town of Arlington Board of Assessors shall not allow, applications under sections 3, 5, or 6 of chapter 61B of the General Laws for eligibility for taxation at the rate applicable to recreational land.**
c) **The provisions of sections 1, 4, 7-15, and 17-18 of chapter 61B of the General Laws, including the provisions pertaining to changes in use, taxation upon conveyance, and roll-back taxes shall continue to apply in full force to land previously assessed or taxed as recreational land under chapter 61B by the Town of Arlington."**

ARTICLE 32 HOME RULE LEGISLATION / PROHIBIT FIRST GENERATION ANTICOAGULANT RODENTICIDES (FGARS) IN ARLINGTON

To see if the Town will vote to submit a Home Rule petition to the state legislature requesting permission for the town of Arlington to ban the use of First-Generation Anticoagulant Rodenticides (FGARs)--warfarin, diphacinone, and chlorophacinone–in Arlington borders

(including on private properties); or take any action related thereto.

(Inserted at the request of Laura Kiesel and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (4-0)
Mr. Helmuth recused himself.

COMMENT: The Select Board voted unanimously (Mr. Helmuth recused himself) to recommend favorable action on this warrant article to file home rule legislation seeking to regulate and ban the use in town by pesticide applicators of First-Generation Anticoagulant Rodenticides (FGARs). The Board heard from the article's proponent, who explained the purpose of the proposed legislation as a means of protecting Arlington's wildlife. It was noted by Board members that the Board has consistently supported efforts to limit the use of FGARs and Second-Generation Anticoagulant Rodenticides (SGARs) in Arlington.
Last year, following an affirmative vote of Town Meeting, home rule legislation was refiled to regulate and ban SGARs in Arlington, legislation that was previously filed with the Legislature in 2022 pursuant to prior Town Meeting action. That bill, H4571, remains pending in the legislature.

PROPOSED HOME RULE LEGISLATION:

That the Town does hereby request and authorize the Select Board to file Home Rule Legislation to provide substantially as follows:

"AN ACT AUTHORIZING THE TOWN OF ARLINGTON TO PROHIBIT USE OF FIRST GENERATION ANTI-COAGULANT RODENTICIDES"

Be it enacted by the Senate and House of Representatives in the General Court assembled, and by the authority of the same, as follow:
Section 1. Notwithstanding chapter 132B of the General Laws or any other general or special law to the contrary, the town of Arlington may regulate through local bylaw or board of health regulation or ordinance the use of first generation anti-coagulant rodenticides, including, but not limited to warfarin, diphacinone, and chlorophacinone, within the town of Arlington, including prohibiting the use of such pesticides by licensed commercial applicators as defined in 333 C.M.R. 10.00

Section 2. This Act will take effect upon its passage."

ARTICLE 33 ACCEPTANCE OF LEGISLATION / M.G.L. c. 60 SECTION 62A
To see if the Town will vote to adopt the local option provided by General Law Chapter 60 Section 62A, allowing tax collectors to enter into payment agreements for properties in tax title; or take any action related thereto.

(Inserted at the request of Thomas Maloney and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0)

COMMENT: The Board voted unanimously that no action be taken on this article, which seeks to adopt, by local option, the provisions of G.L. c. 60, § 62A ("Section 62A"), allowing tax collectors to enter into payment agreements for properties in tax title.

The Board heard from the proponent regarding his reasoning for the article. Specifically, tax title reforms that the state enacted in 2024 allow a community to enact a bylaw to authorize payment agreements between its Treasurer and persons entitled to redeem parcels in tax title. The bylaw must contain specific information, including the term applicable to all agreements and the percentage of accrued interest on the amount of the tax title account that is waived. In addition, the statute requires that the bylaw treat each class of tax title in a uniform manner to ensure that similarly situated taxpayers are treated the same Town Counsel reported that because Section 62A does not contain a local option provision, the warrant article, as written, was fatally flawed and an attempt to cure it by converting it to a bylaw amendment would probably be deemed out of scope given the article's text. Moreover, it became clear that additional time would be needed to develop standards to be included in a bylaw that authorizes tax payment agreements. The Board expressed gratitude to the proponent for bringing this article forward and expressed hope that a more complete article could be considered in the future.

ARTICLE 34 ACCEPTANCE OF LEGISLATION / WAIVER OF CANINE LICENSING FEE FOR OWNERS 70 AND OLDER

To see if the Town will vote to accept MGL Chapter 140, Section 139c and allow the waiver of canine licensing fees in Title VIII, Article 2, Section 4F3 for owners 70 years of age or older; or take any action related thereto.

(Inserted at the request of the Town Clerk)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0)

COMMENT: This article seeks acceptance of a local option that will allow the Town to waive the Town's dog licensing fee for any dog owner aged 70 years or over. If accepted, this provision of state law (G.L.c.140, sec.139(c)) will become available for inclusion in the Town's Canine Control Bylaw (Title VIII, Article 2) and as considered by Article 20 on this year's Annual Town Meeting Warrant. The Board voted unanimously to support acceptance of this provision.

RECOMMENDED VOTE:

That the Town does and hereby accepts the provision of Massachusetts General Laws, Chapter 140, §139(c) that authorizes the town to waive the license fee for a dog owned by a person aged 70 years or over.

ARTICLE 35 ENDORSEMENT OF CDBG APPLICATION

To see if the Town will vote to endorse the application for Federal Fiscal Year 2026 prepared by the Town Manager and Select Board under the Housing and Community Development Act of 1974 (PL 93-383) as amended; or take any action related thereto.

(Inserted by the Select Board and at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (6-0)*

*Includes vote of Acting Town Manager for CDBG purposes.

COMMENT: This Article represents the vote to endorse the annual application for the Community Block Development Grant funds. The article was unanimously supported by the Board and the vote for favorable action was taken by roll call vote.

RECOMMENDED VOTE:

That the Town hereby endorses the application for Federal Fiscal Year 2026 prepared by the Town Manager and the Select Board under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

ARTICLE 36 REVOLVING FUNDS

To see if the Town will vote to reauthorize revolving funds established under various previous votes of the Town, to hear or receive a report concerning the receipts and expenditures of same, to establish new revolving funds, to appropriate sums of money to fund all revolving funds and determine how the money shall be raised or expended; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: The Board unanimously supports this annual article regarding the town's revolving funds.

RECOMMENDED VOTE:

That the Town does and hereby approve and reauthorize the following Revolving Funds for FY 2027:

Private Way Repairs (3106): Originally established under Article 46, 1992 Annual Town Meeting expenditures not to exceed ~~$1,000,000~~ **$2,000,000.**		
Beginning Balance	7/1/2024	$58,437.99
Receipts		242,361.32
Expenditures		211,704.20
Ending Balance	6/30/2025	$89,095.11

Ambulance/Life Support (3103): Originally established under Article 37, 2001 Annual Town Meeting expenditures not to exceed $800,000		
Beginning Balance	7/1/2024	$55,016.41
Receipts		176,619.49
Expenditures		176,548.06
Ending Balance	6/30/2025	$55,087.84

Public Way Repairs (3105): Originally established under Article 45, 1992 Annual Town Meeting expenditures not to exceed $15,000		
Beginning Balance	7/1/2024	$14,715.06
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$14,715.06

Board of Health Fees (3111): Originally established under Article 30, 2005 Annual Town Meeting expenditures not to exceed $150,000		
Beginning Balance	7/1/2024	$436,072.89
Receipts		(145,231.12)
Expenditures		43,310.46
Ending Balance	6/30/2025	$247,531.31

Fox Library - Rental (3109): Originally established under Article 49, 1996 Annual Town Meeting expenditures not to exceed $20,000		
Beginning Balance	7/1/2024	$21.47
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$21.47

Field User Fees (3115): Originally established under Article 78, 2004 Annual Town Meeting expenditures not to exceed ~~$80,000~~ **$100,000**.		
Beginning Balance	7/1/2024	$20,132.42
Receipts		66,022.50
Expenditures		30,236.18
Ending Balance	6/30/2024	$55,918.74

Robbins House Rentals (3110): Originally established under Article 77, 1997 Annual Town Meeting expenditures not to exceed $75,000		
Beginning Balance	7/1/2024	$16,369.13
Receipts		32,050.00
Expenditures		6,825.83
Ending Balance	6/30/2025	$41,593.30

Robbins Library Rental (3114): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed $8,000		
Beginning Balance	7/1/2024	$44,826.57
Receipts		12,300.00
Expenditures		1,326.13
Ending Balance	6/30/2024	$55,800.44

Conservation Commission (3116): Originally established under Article 44, 1996 Annual Town Meeting expenditures not to exceed $10,000		
Beginning Balance	7/1/2024	$0.00
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$0.00

Town Hall Rental (3112): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed $175,000		
Beginning Balance	7/1/2024	$76,005.54
Receipts		119,980.74
Expenditures		107,637.07
Ending Balance	6/30/2025	$88,349.21

Uncle Sam (3101): Originally established under Article 31, 2000 Annual Town Meeting expenditures not to exceed $2,000		
Beginning Balance	7/1/2024	$1,526.31
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$1,526.31

White Good Recycling (3107): Originally established under Article 35, 2006 Annual Town Meeting expenditures not to exceed $80,000		
Beginning Balance	7/1/2024	$39,625.85
Receipts		38,994.45
Expenditures		38,006.07
Ending Balance	6/30/2025	$40,614.23

Library PC Vendor (3113): Originally established under Article 34, 2009 Annual Town Meeting expenditures not to exceed $25,000		
Beginning Balance	7/1/2024	$20,954.91
Receipts		17,383.88
Expenditures		2,900.35
Ending Balance	6/30/2025	$35,438.44

Energy Eff and Electrification (3119): Originally established under Article 7, 2025 Annual Town Meeting expenditures not to exceed $250,000.		
Beginning Balance	7/1/2024	$0.00
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$0.00

Gibbs School Energy (3102): Originally established under Article 45, 2010 Annual Town Meeting expenditures not to exceed $120,000		
Beginning Balance	7/1/2024	$4,814.41
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$4,814.41

Cemetery Chapel Rentals (INACTIVE): Originally established under Article 52, 2011 Annual Town Meeting expenditures not to exceed $15,000		
Beginning Balance	7/1/2024	$0.00
Receipts		0.00
Expenditures		0.00
Ending Balance	6/30/2025	$0.00

ARTICLE 37 DISPOSITION OF REAL ESTATE / 0 REED STREET

To see if the Town will vote to sell the land purchased via title in fee in 1971 by the Town of Arlington to the purchasers of 0 Reed Street for the purpose of developing a single-family home on the vacant lot; or take any action related thereto.

(Inserted at the request of David Swanson and ten registered voters)

VOTE AND COMMENT TO TOWN MEETING

VOTE: No Action (5-0).

COMMENT: The Board heard from the petitioner regarding this warrant article that sought to pursue a process for the sale of a piece of property described by the petitioner as “0 Reed Street”, a property that the petitioner believed might be town owned. At its initial hearing on the matter, the Board questioned whether there was agreement that the property’s history of recorded ownership and the extent of the Town’s property interest, if any. By motion at the initial hearing, the matter was tabled for one week so that more information could be

obtained regarding ownership of the property.

At the continuation of the hearing on this article, the Board heard from Town Counsel and the petitioner, who reported that after additional research and discussion, the property's title records indicate that the parcel that is the subject of the article is not town owned. Accordingly, the petitioner agreed that the matter should not proceed to Town Meeting for its consideration. Despite the vote of no action on this article, the Board took the opportunity of the hearing to engage in a productive discussion regarding the potential sale of surplus town property as part of its ongoing efforts, working in conjunction with the Town Manager, to identify and tap all available revenue sources for the Town.

ARTICLE 60 ENDORSEMENT OF PARKING BENEFIT DISTRICT EXPENDITURES

To see if the Town will vote to endorse the Parking Benefit District operating and capital expenditures for Fiscal Year 2026 prepared by the Town Manager and the Select Board consistent with the Town Bylaws; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (5-0).

COMMENT: The Board voted to recommend favorable action on this article after hearing from Deputy Town Managers Bongiorno and Wayman. It is noted that this is the first step in an annual process whereby these expenditures are then submitted for endorsement to the Finance Committee, Capital Planning Committee and ultimately, Town Meeting. Proposed revenues and expenditures, including ongoing operational costs as well as one-time projects and investments were outlined for the Board. The Board approves these proposed expenditures and recommends Town Meeting endorsement.

RECOMMENDED VOTE:

That the Select Board approves the operating and capital expenditures proposed by the Town Manager and Parking Implementation Governance Committee and recommends Town Meeting's endorsement of the votes of the Finance and Capital Planning Committees respectively.

ARTICLE 79 APPROPRIATION / PRIVATE WAY REPAIRS REVOLVING FUNDS

To see if the Town will vote to appropriate a sum of money into the Private Ways Repairs Revolving Fund for the purpose of repairing or reconstructing private ways, including costs incidental and related thereto and to determine how the appropriation into such revolving fund, and to determine how the appropriation shall be raised or expended, including the possibility of borrowing all or some of same; or take any action related thereto.

(Inserted at the request of the Town Manager)

VOTE AND COMMENT TO TOWN MEETING

VOTE: Favorable Action (4-0)
Mr. DeCourcey recused himself.

COMMENT: The Board voted 4-0 (Mr. DeCourcey recused himself) for favorable action on this article.

This appropriation article seeks to authorize the borrowing or debt issuance and appropriation of a sum of money in the amount of up to a maximum of $1,569,608 to fund a large private way repair project to take place in the Kelwyn Manor neighborhood of Arlington. Ordinarily, private way repairs are funded through the process set forth Title III, Article 3 of the Town Bylaws. That process allows abutters to any private way, or group of private ways, to petition the Select Board to order repairs. Typically, private way repair projects are much smaller in scope and funded through the overlay reserve or an appropriation from existing General Funds. Given the scale of this project, however, the ordinary funding process is not an option because existing private way funds are insufficient. It is noted that all Town funds expended on private way repair projects are recovered through a special assessment on real estate tax bills for impacted properties whose owners do not pay their share up-front.

If approved by Town Meeting, it is expected that the Town will issue a bond to fund the project. Thereafter, each abutter's share of the funded amount will be repaid to the Town. Abutters may pay in full upon completion of the work or can be partially or fully assessed on their tax bills for payment over five-year period with interest at 2 percent above the cost (including Town oversight and administration costs) of any bond issued to fund the repair in question.

RECOMMENDED VOTE:

That the sum of $1,569,608 be and hereby is appropriated for the purpose of financing the repair of private ways, including costs incidental and related thereto, subject to a Betterment Order under Title III, Article 3 of the Town's bylaws; that to raise this appropriation the Treasurer, with the approval of the Select Board, is authorized to borrow up to $1,569,608 under and pursuant to Chapter 44, Section 7, of the General Laws, as amended, or any other enabling authority and to issue bonds or notes of the Town therefore; and that the Select Board and the Town Manager be and hereby are authorized to enter into any agreements they determine to be necessary in connection with the project and its financing. Further, in accordance with applicable state law and Title III, Article 3, Section 6 of the Town's bylaw, all borrowed funds and costs, including borrowing interest costs, shall be repaid in full by the abutters included in the betterment petition.

Revolving Fund	Amount
Private Ways Repairs: 3106	
Contracted Services	$211,704.20
Total Expenditures	$211,704.20

Revolving Fund	Amount
Private Ways Repairs: 3105	
Contracted Services	$ -
Total Expenditures	$ -

Revolving Fund	Amount
Fox Library Community Center Rentals: 3109	
Maintenance	$ -
Total Expenditures	$ -

Revolving Fund	Amount
Robbins House Rentals: 3110	
Personnel	$4,500.00
Supplies	$418.26
Maintenance	$ -
Utilities	$211.64
Contracted Services	$1695.93
Total Expenditures	$6825.83

Revolving Fund	Amount
Conservation Commission Fees: 3116	
Other Expense	$ -
Total Expenditures	$ -

Revolving Fund	Amount
Uncle Sam Fees: 3101	
Total Expenditures	$ -

Revolving Fund	Amount
Life Support Services (Ambulance) Fees: 3103	
General Fund Offset (Personnel/Cap)	$25,000.00
Contracted Services	$151,548.06
Emergency Vehicle	$ -
Capital Offset	$ -
Total Expenditures	$176,548.06

Revolving Fund	Amount
Town Hall Rentals: 3112	
Supplies	$2,570.83
Personnel	$40,932.92
Utilities	$14,397.07
Contracted Services	$52,804.96
Total Expenditures	$110,705.78

Revolving Fund	Amount
White Good Recycling Fees: 3107	
Transfer to General Fund	$35,000.00
Equipment and Materials	$3,006.07
Total Expenditures	$38,006.07

Revolving Fund	Amount
Library Vending Fees: 3113	
Supplies	$669.00
Equipment	$1,481.45
Contracted Services	$749.90
Total Expenditures	$2,900.36

Revolving Fund	Amount
Gibbs School Energy Fees: 3102	
Utilities	$ -
Total Expenditures	$ -

Revolving Fund	Amount
Cemetery Chapel Rentals: 3915	
Total Expenditures	$ -

Revolving Fund	Amount
Council on Aging Program Fees: 3108	
Supplies	$5,788.90
Contracted Services	$32,814.32
Total Expenditures	$38,603.22

Revolving Fund	Amount
Energy Eff and Electrification: 3119	
Program Expenses	$ -
Total Expenditures	$ -

FY2027 PARKING FUND BUDGET

REVENUES	FY24 ACTUAL	FY25 ACTUAL	FY26 BUDGET	FY27 BUDGET *
Single Space Meters	$202,949	$171,840	$182,654	$154,656
Multi-Space Meters	$70,325	$60,775	$63,292	$54,698
Charging Station	$27,366	$41,543	$24,629	$37,389
Pay by Phone	$173,103	$227,193	$155,793	$204,474
Interest	$63,951	$70,857	$31,976	$63,771
TOTAL	**$537,694**	**$572,208**	**$458,344**	**$514,988**

EXPENDITURES	FY24 ACTUAL	FY25 ACTUAL	FY26 BUDGET	FY27 BUDGET
MAINTENANCE AND OPERATION				
IPS, CC Fee, Coin Collection	$107,607	$109,162	$135,000	$135,000
Charging Stations	$10,006	$ -	$10,000	$14,000
Electricity at Charging Stations	$10,250	$70,867	$6,800	$46,293
Multi-Space Meter Kiosk Replacement	$ -	$ -	$61,260	$25,000
Lease Payments	$6,000	$6,000	$6,000	$6,000
Parking Enforcement/Admin	$111,325	$114,148	$117,454	$190,311
Meter Upgrade	$85,815	$ -	$ -	$ -
PCO Replacement Vehicle	$ -	$ -	$ -	$ -
Maintenance and Operation Subtotal	$331,003	$300,177	$336,514	$416,604
PARKING BENEFIT DISTRICT				
Russell Common Lot	$ -	$36,137	$200,000	$33,000
Trash Management	$ -	$ -	$ -	$7,500
Seasonal Plantings/Waterings	$35,200	$46,013	$47,500	$105,000
Landscape Maintenance/Weeding	$ -	$ -	$20,000	$20,000
Power Washing	$13,574	$ -	$20,000	$10,000
Electric Upgrades	$ -	$ -	$50,000	$100,000
Arts and Culture	$ -	$38,532	$ -	$10,000
Decorative Lighting	$2,530	$ -	$30,000	$35,000
Snow Clearing	$ -	$ -	$ -	$20,000
Streetscape Improvements	$3,500	$3,500	$15,000	$15,000
Encumbrances	$ -	$ -	$ -	$ -
Parking Benefit District Subtotal	$54,804	$124,182	$382,500	$355,500
TOTAL	**$385,807**	**$424,359**	**$719,014**	**$772,104**

	FY24 ACTUAL	FY25 ACTUAL	FY26 BUDGET	FY27 BUDGET
REVENUES	**$537,694**	**$572,208**	**$458,344**	**$ 514,988**
EXPENDITURES	**$385,807**	**$424,359**	**$719,014**	**$772,104**
Surplus (Deficit)	**$151,887**	**$147,849**	**$(260,670)**	**$(257,116)**
Beginning FY Fund Balance	**$623,422**	**$803,267**	**$935,768**	**$675,098**
Ending FY Fund Balance	**$803,267**	**$935,768**	**$675,098**	**$417,982**

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Approved 2/25/26

***Amended 3/23/26 by Julie Wayman**

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John V. Hurd
Eric D. Helmuth
Diane M. Mahon
Stephen W. DeCourcey
Jane P. Morgan
Joseph A. Solomon