



**Town of Arlington, Massachusetts**  
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## Selectmen's Minutes 03-30-2009

### TOWN OF ARLINGTON BOARD OF SELECTMEN

Meeting Minutes  
 Monday, March 30, 2009

7:15 p.m.

Present: Ms. Rowe, Chair, Mr. Hurd, Vice Chair, Mr. Greeley, Mrs. Mahon, and Ms. LaCourt.  
 Also present: Mr. Sullivan, Ms. Rice, and Mrs. Sullivan.

#### FOR APPROVAL

1. CONSENT AGENDA (one vote required for approval of all items)

a. Minutes of Meetings: March 23, 2009

Mr. Hurd moved approval.

SO VOTED (5-0)

2. Discussion: Ballot Questions

Kevin F. Greeley, Selectman

(tabled from 3/23/09 meeting)

Mr. Greeley opened the discussion on the following ballot questions to clarify the questions and hear opinions on the questions, particularly question #2, prior to the election on April 4, 2009. The ballot questions are:

**Question 1. This is a binding question.**

Shall the Board of Selectmen be authorized to grant an additional 5 licenses for the sale of all alcoholic beverages to be drunk on the premises in restaurants and function rooms having a seating capacity of not less than 50 persons?

The Selectmen agree with the granting of additional licenses so that more restaurants could apply, now that the seating minimum was reduced to 50 persons.

**Question 2. This is a non-binding question.**

Do you favor allowing the service of alcoholic beverages without food in licensed restaurants?

Mr. Greeley asked several of the restaurant owners in town, Paul Turano of Tryst, Bruce Jangro of Not Your Average Joe's, Ricardo Mermet of Tango, Bob Sargent of Flora, and Cesidia Baugnet of Scutra, and Michele Meagher of the Chamber of Commerce to speak to question #2. Their comments included:

- Would be very happy with the idea of a drink without eating- 'maximum' number, say 3. ~ This would prevent restaurants from turning into bars, since no bar or club could sustain itself with a 3 drink 'maximum'.
- Double standard applied regarding the private clubs-serving alcohol according to very different sets of rules than those that which applies to restaurants.
- Current economic downturn where every dollar truly counts.
- Respective staffs are highly trained in the responsible serving of alcohol. In fact, many have taken TIPS Certification classes, which educate restaurant employees in all areas of alcohol service. They are required to take every precaution necessary when serving alcohol; from checking identification to closely monitoring consumption of alcohol.
- We do not want to lose business to bars and pubs in adjacent towns. When we turn patrons away, we are turning away potential dining patrons and we have lost business.

With theatre's in town people at times like to come in for a drink after or before a show and also have to be turned away.  
 - What kind of message are we sending prospective restaurant owners who may be considering doing business in Arlington?  
 With very little corporate business, high rents and the current liquor laws, it is very challenging to own and operate a restaurant in town.

The Selectmen had mixed views on this question. Opposing views expressed were although they agreed with this as a business decision for the above stated reason concerns were it could be an unsafe situation at times and would it effect the proper ambience of "fine dining".

**Question 3. This is a non-binding question.**

Do you favor increasing the number of stores in Arlington licensed to sell wine and malt beverages for consumption off-premises from three to five?

**Question 4. This is a non-binding question.**

Do you favor allowing stores in Arlington currently licensed to sell wine and malt beverages for consumption off-premises to sell all alcoholic beverages for consumption off-premises?

Overall, the Selectmen had mixed feelings and comments on the above questions and would wait to see how the residents feel, at which time they may revisit for discussion.

3. **WARRANT ARTICLE HEARINGS**

Article 12 Bylaw Amendment/Keeping of Hens/Poultry

Ms. Pam Calloway showed a power point presentation with the reasons for inserting this warrant article to keep hens, along with supporting documentation for hen warrants.

Residents: Donia Goss, 2 Smith St., Ted Sharpe, 51 Palmer St., Patsy Kraemer, 85 Columbia St., Tom Calloway, 19 Bowdoin St., Mary Gilbert, 53 Bow St., and two unknown residents, 12 Brattle Terr. and 45 Spring St. spoke in favor of this warrant article. The following reasons were cited in support:

- fresher, healthier, and less expensive eggs
- educational experience for children
- insect control i.e. ticks
- better sustainability for the earth
- offering a sense of tradition and history of farming experience

Ms. Sharkey, Director of Health and Human Services, reported that the Board unanimously voted to oppose this warrant article. The following reasons were cited in opposition:

- Arlington is densely populated and the BOH enforces public health nuisance law as it relates to noise and odor and due to the small lots of land in Arlington with an average size of 6,500 square feet, it can be assumed that the number of odor and noise complaints would increase as a result of the proposed bylaw
- communities that allow chickens to be kept require large lots of land and the proposed bylaw proposes a 10 foot setback from neighboring property lines and this is not an adequate amount of land, whereas communities that allow hens require placement of hen house or manure storage at a 25 foot minimum- this office recommends a minimum of a 50 foot setback from property lines to prevent odors from becoming a nuisance to neighboring properties
- the Board also cited concern for avian disease and keeping domestic birds separate from wild birds to prevent spread of disease between the populations.

After much discussion the Selectmen unanimously agreed to report at Town meeting.

The Selectmen asked Ms. Calloway and the Board of Health to meet to see if a compromise can be reached prior to Town Meeting discussion.

Mr. Hurd moved to will report.

SO VOTED (5-0)

Article 18 Bylaw Amendment/Animal Control

(tabled from 2/23/09, 3/9/09 and 3/16/09 meetings)

Ms. Rowe stated that there are still plan changes forthcoming. Menotomy Park, Robbins Park, and McClennan Park still need concerns resolved before plan changes are final. Poet Park and Thorndike Park will have fenced in areas. Ms. LaCourt (Mrs. Mahon will help) will work on resolving the park problems. The Selectmen discussed concerns with the program

and decided to report at Town Meeting.

Residents: Jeanne Leary, 425 Summer St., Stella Kazantzias, 421 Summer St., Darcy Devney, 110 Thorndike St., spoke in opposition of the program, citing the following reasons:

- there are no dog problems there, so there's no need for a dog park
- 514 petitioners do not want a dog park there
- dog park is located at the top of the hill where speed limit is 35 and there is a blind spot when sun is rising
- weekend hours are a problem with sports games and usage
- the area itself is already high usage with fields, rink, and bike path
- not enough enforcement, need another officer just for dogs
- a fenced dog park is truly the only compromise—off leash is not a compromise

Residents: Michelle Durocher, 65 Huntington Rd., Stephen Weil, 35 Bailey Rd., Bill Larson, 98 Spring St., Christine Dorchak, 11 Lakeview St., and Alina Gutierrez, 71 Alpine St. spoke in favor of the program, citing the following reasons:

- believes the problem now in the parks is due to the dog officer's behavior
- dogs need exercise and socialization, also good for neighbors
- try the parks and see if it will be successful
- we are taxpayers and want a compromise to use parks

Ms. LaCourt moved a will report.

SO VOTED (5-0)

#### Article 31 Home Rule Legislation/Barbara Goodman

Mrs. Goodman commented that she would be withdrawing this article but was asking for guidance on how to proceed to help get this done.

Mr. Greco reported that the Retirement Board unanimously opposes this warrant. If passed it would force Arlington to accept the liability and would open up similar cases for other non-paid credible service people. The Selectmen asked that Ms. Goodman meet with Mr. Greco to go over solutions.

Mrs. Mahon moved no action.

SO VOTED (5-0)

#### Article 32 Establish Advisory Committee/Reorganization of Town Government

Mr. Bilafer explained that during this down economy it would be worth the while looking at the internal operations of the Town, such was done in 1981. After discussion on the composition of the committee, it was decided that Ms. Rowe, Ms. LaCourt, and Mr. Bilafer meet this week to decide on the composition of the committee.

Mr. Hurd moved to table until the next meeting.

SO VOTED (5-0)

#### Article 34 Revolving Funds

Ms. Loud requested setting up a revolving fund for copy machine monies in order to pay expenses for supplies associated with the machines.

Mr. Greeley moved favorable action.

SO VOTED (5-0)

### 4. FINAL VOTES AND COMMENTS

Article 13 Bylaw Amendment/Door-To-Door Solicitors

Article 14 Bylaw Amendment/Mobile Food Vendors

Article 16 Bylaw Amendment/Public Consumption of Marihuana or Tetrahydrocannabinol

Article 28 Home Rule Legislation/Raise Maximum Allowable Age of Police and Fire Candidates For Appointment

Article 29 Home Rule Legislation/Civil Service Age Limits For Police and Fire

Article 67 Resolution/Supporting Return of National Guard to Massachusetts

Mr. Greeley moved approval of final votes and comments.

SO VOTED (5-0)

Mr. Greeley moved to adjourn at 11:00 p.m.

SO VOTED (5-0)

A true record: Attest:

Mary Ann Sullivan

**Next meeting of BOS April 6, 2009.**