

**TOWN OF ARLINGTON
MASSACHUSETTS**

**REPORT OF THE
SELECT BOARD**



**TO THE
TOWN MEETING
MONDAY APRIL 26, 2021**

8:00 P.M.

INTRODUCTION

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 22nd and April 5th, during which time the Board heard from proponents and opponents of the various articles. The Board has also included its votes of support for two warrant articles (Articles 38 and 43) that will be presented through the main motions of the Arlington Redevelopment Board.

The objective of Select Board Warrant Article Hearings is to develop the Board's recommendations on 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 would like to welcome back John V. Hurd to serve as Arlington's newly re-elected member of the Board, and Eric D. Helmuth, our newly elected member.

The Board thanks Town Meeting members for their service and for their willingness to give fair and serious consideration to all of 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 underlined, while removed language is denoted by strikethrough.

ARTICLE 6

CPAC MEMBER TERM LIMITS

VOTED: That Title II, Article 12 (“Community Preservation Act Committee”) of the Town Bylaws is hereby amended so as to eliminate term limits for certain CPAC members and so as to read as follows:

**ARTICLE 12
COMMUNITY PRESERVATION COMMITTEE
(Art. 11 - ATM - 04/29/15)**

Section 1. Establishment and Membership

a. There is hereby established a Community Preservation Committee consisting of a total of nine (9) members pursuant to G.L. c. 44B § 5. The membership shall be composed of one member of the Conservation Commission as designated by such Commission, one member of the Historical Commission as designated by such Commission, one member of the Arlington Redevelopment Board (which serves as the Town's Planning Board) as designated by such Board, one member of the Park and Recreation Commission as designated by such Commission, one member of the Arlington Housing Authority as designated by such authority, and four (4) at-large members appointed by a joint vote of the approval by the Select Board and the Town Manager as follows below in Section 1(b).

b. Candidates for at-large membership shall be jointly gathered and screened by the Town Manager and the Chairperson of the of the Select Board or their designee, who shall jointly forward recommended candidates for a vote on appointment by the full Select Board plus the Town Manager (a maximum total of six votes representing the five Select Board and the Town Manager). A majority vote the Select Board and the Town Manager shall be required for appointment to an at-large member position.

c. At-large members shall be appointed to the following initial terms: One (1) for a one-year term, two (2) for two-year terms, and one (1) for a three-year term. All subsequent terms shall be for three years. All other members shall serve a term determined by their designating bodies not to exceed three years. All members, at-large and otherwise, are eligible for reappointment. Should any appointing or designating authority fail to appoint a successor to a CPC member whose term is expiring, such member may continue to serve until the relevant authority names a successor.

~~No At-Large member of the Community Preservation shall serve more than six consecutive years at a time. A waiting period of three years shall be imposed on any member of the Committee after serving six consecutive years, if they wish to rejoin the Committee.~~

d. A vacancy of the committee shall be filled by the relevant appointing or designating authority.

COMMENT: The Select Board supports this article to remove term limits for “at large” Community Preservation Act Committee (CPAC) members. Term limits are not required under the Community Preservation Act; nor are they imposed on other CPAC members. Most importantly, volunteers for CPAC membership, at-large and otherwise often need several CPA funding cycles to become fully familiar with CPA program areas. There is sufficient turnover to provide opportunities for fresh perspectives on CPAC without automatically disqualifying persons who have invested time and energy to become knowledgeable in the work of the committee.

ARTICLE 7 BYLAW AMENDMENT/ROCK REMOVAL REQUIREMENTS

VOTED: That Title VI of the Town Bylaws “Building Regulations” be and hereby is amended to add a new Article 10 “Rock Excavation Requirements” as follows:

Article 10 “Rock Excavation Requirements”

A. Intent and Purpose

The purpose of this bylaw is to protect the public health from the noise, air quality, debris, and other potential adverse impacts caused by lengthy rock excavations conducted by chipping, digging, and other means of mechanical excavation in Arlington by requiring building permit seekers to determine the safety, feasibility, and cost-effectiveness of blasting-aided rock excavation prior an open foundation excavation.

B. Definitions

“Open foundation excavation” shall be defined as an open and exposed excavation for the purposes of constructing or expanding a residential building foundation. Satisfaction of open foundation excavation requirements of this Article shall not be construed to satisfy any additional requirements set forth in Title V Article 3 of the Town Bylaws.

“Excavation,” an operation for the purpose of movement or removal of earth, rock or the materials below ground including, but not limited to, digging, blasting, auguring, backfilling, test boring, drilling, pile driving, grading, plowing in, hammering, pulling in, jacking in, trenching, tunneling and demolition of structures, excluding excavation by tools manipulated only by human power for gardening purposes and use of blasting for quarrying purposes.

“Rock,” shall be defined as any naturally cemented or consolidated earth materials exposed on the earth's surface or underlying unconsolidated earth

materials such as bedrock or a glacial rock mass, which cannot be removed without mechanical means. Examples include, but are not limited to igneous rock formations such as granite or sedimentary limestone formations that require mechanical drilling, chipping, or blasting to fragment, carve, dislodge or otherwise remove.

C. Applicability

The requirements of this bylaw shall apply to any open foundation excavation of more than 50 cubic yards of rock.

D. Pre-Excavation Requirements

1. Prior to commencing any rock excavation as defined in this bylaw, applicants for an excavation permit or building permit shall be required to conduct a “Pre-blast Inspection Survey” as set forth in the Massachusetts Comprehensive Fire Safety Code at 527 CMR 65.9.15.
2. An applicant for a building permit requiring rock excavation under this bylaw shall provide the Building Inspector with a copy of the pre-blast inspection survey.
3. In addition to the purposes of a pre-blast inspection survey outlined in the Fire Safety Code, a pre-blast inspection survey shall inform the applicant and the Building Inspector of the feasibility of blasting as an alternative means of rock excavation compared to mechanical means of excavation.

E. Penalties

Failure to comply with any section of this bylaw shall result in a fine of up to \$300.00 per day.

F. Permitting

Pursuant to the authority conferred under c. 40, § 21 (17), the Building Inspector may withhold a building permit until an applicant has complied with the requirements of this bylaw.

(5 – 0)

COMMENT: The Select Board recommends positive action on placing an additional requirement on the development of rock-removal-intensive lots in Arlington in the interests of ensuring consideration of alternatives to highly disruptive, lengthy, extensive rock chipping projects in Arlington, which often pose to abutters and neighborhoods. In short, the proposed bylaw would *not* require excavation by “blasting.” It would however require that developers conduct an analysis of the feasibility of blasting, including engaging abutters within 250 feet before commencing an excavation of a magnitude of 50 or more cubic yards consistent with State Fire Safety standards. Projects of that scope have been

the subject of increasing concern and complaints in recent years as rock-chipping and other mechanical means of excavation carry on for weeks or in extreme cases, months.

It is important to note that “blasting” is already permitted by State law and should be conducted pursuant to extensive regulations, established in 527 CMR 1.00, summarized by a pamphlet from the State provided in the appendix to this report. The proposal before Town Meeting does not change anything about blasting requirements. In discussing this matter at hearing, some residents expressed concerns with blasting projects in their neighborhoods and reported that they were unaware of some of their rights. Such matters are outside the scope of this article, but this proposal provided opportunity for Town staff to examine those concerns and determine whether additional tools are available to persons with site specific issues under the Town or State’s present rules and regulations.

ARTICLE 8 BYLAW AMENDMENT/CANINE CONTROL FEES & FINES

VOTED: That Title VIII, Article 2 (“Canine Control”) Section 4 (“Licensing”) be and hereby is amended throughout to establish clearer and more efficient deadlines and penalties for annual dog licensing, enhance clarity for residents, and provide for minor grammar and syntax adjustments as follows:

**ARTICLE 2
CANINE CONTROL**

Section 4. Licensing

(ART. 25, ATM – 04/27/88)

(ART. 23, ATM – 05/04/2009)

(ART. 13 -04/29/13)

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 ~~within a licensing period~~, the owner or keeper of a dog must apply to the Town Clerk ~~to transfer the dog’s for a license. The Town Clerk shall issue a transfer license for a fee and in accordance with procedures that the Town Clerk shall determine.~~**

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.
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~~ As proof of license licensure, 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:

- (1) to a person to whom the applicable kennel license has been issued under this Bylaw and remains in force; or
- (2) 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 ~~\$50~~ \$25.

Grace period. ~~Failure to comply with this section within~~ satisfy licensing requirements before the first Thursday following 45 business days of the 1st of January each year ~~date that the licensing or re-licensing obligation arises~~ will constitute failure to comply with licensing requirements.

- b. Additional late fees.**

Missed year. An additional ~~\$50~~ \$25 fine shall be applied where owners fail to register a dog for an entire calendar year, due upon registration the following calendar year, and the license fee for the 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 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. Late fees apply.

b. Owner aged 70 and over.

If the Town so votes in accordance with Section 139(c) of Chapter 140 of the General Laws, no fee shall be charged for the licensure of a dog owned by a person aged 70 years and older. Late fees apply.

4. No refund of fees. No license fee paid under this section shall be refunded, in whole or in part, due to mistake or due to the subsequent death, loss, spay or neuter, removal from the Town or the Commonwealth, or other disposal of the licensed dog.”; ~~and~~

(5 – 0)

COMMENT: The Select Board supports these straightforward amendments to the Town’s dog licensing bylaw provisions requested by the Town Clerk. The proposed changes make the bylaw easier to understand and enforce by clarifying timelines, reducing initial registration penalties, and better empowering the Clerk’s Office to pursue late fees for failure to pay the reduced fines.

ARTICLE 9 BYLAW AMENDMENT/DISPLAY OF NOTICE FINES

VOTED: That Title V, Article I (“Display of Notices”), Section 2. Fines for Violations be and hereby is amended by striking the word and number “five” and “500” respectively and replacing them with the words “three,” and “300” respectively so as to read as follows as follows:

**ARTICLE 1
DISPLAY OF NOTICES**

Section 2. Fines for Violations

Whoever violates any of the provisions of this By-Law shall be punished by a fine of not more than one hundred dollars (\$100), and whoever, after conviction for such violation unlawfully maintains such notice for twenty (20) days thereafter shall be punished by a fine of not more than ~~five~~three hundred dollars (~~\$500~~300).

(5 – 0)

COMMENT: The proposed changes constitute administrative corrections to the amount of fines allowed under Title V, Article I (“Display of Notices”), Section 2 of the Town Bylaws following 2019 Town Meeting’s successful updates to Arlington signage regulations. A side effect of moving most signage regulation into the Zoning Bylaw is that the Town Bylaws’ regulation of temporary of “Notices,” such as lost-pet, yard sale, and

Town committee temporary flyers and signs are no longer tethered to state laws governing outdoor advertising, which authorized higher levels of fines that state law affords for Bylaw violations. Accordingly, the Town's fine for violations of the Display of Notices Bylaw cannot now exceed \$300. Therefore, the Select Board recommends Town Meeting adopt this administrative change to accurately reflect the maximum cap on Bylaw fines under the law.

ARTICLE 10 BYLAW AMENDMENT/STREET PERFORMANCE DEFINITIONS

VOTED: That no action be taken on Article 10.

(5 – 0)

COMMENT: The Select Board recommends no further action on this article during the 2021 Town Meeting as its proponents inform us that further examination of the issues is necessary to developing any appropriate updates and revisions to street performance definitions.

ARTICLE 11 BYLAW AMENDMENT/STORMWATER MANAGEMENT

VOTED: That Title V, Article 15 of the Town Bylaws (“Stormwater Management”) be and hereby is retitled and amended as follows:

ARTICLE 15

STORM WATER MITIGATION STORMWATER MANAGEMENT

(ART. 10, ATM – 04/25/07)

Section 1. Purpose

The purpose of this bylaw is to protect, maintain, and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction and post-development stormwater runoff, decreased groundwater recharge, climate change impacts, and nonpoint source pollution associated with new development, redevelopment, and other land alterations. Stormwater runoff can be a major cause of:

- (1) Impairment of water quality and flow in lakes, ponds, streams, rivers, coastal waters, wetlands, groundwater, and drinking water supplies;**
- (2) Contamination of drinking water supplies;**
- (3) Contamination of downstream coastal areas;**
- (4) Alteration or destruction of aquatic and wildlife habitat;**

(5) Overloading or clogging of municipal stormwater management systems; and

(6) Flooding.

The objectives of this bylaw are to:

- (1) Protect wetland and water resources;**
- (2) Mitigate climate change impacts;**
- (3) Comply with state and federal statutes and regulations relating to stormwater discharges including total maximum daily load requirements;**
- (4) Prevent and reduce pollutants from entering Arlington's municipal separate storm sewer system (MS4);**
- (5) Prohibit illicit connections and unauthorized discharges to the MS4 and require their removal;**
- (6) Establish minimum construction and post construction stormwater management standards and design criteria for the regulation and control of stormwater runoff quantity and quality and the control of sedimentation and erosion on disturbed sites;**
- (7) Establish provisions for the long-term responsibility for, and maintenance of, structural stormwater control facilities and nonstructural stormwater best management practices to ensure that they continue to function as designed, and pose no threat to public safety; and**
- (8) Establish Arlington's legal authority to ensure compliance with the provisions of this bylaw through inspection, monitoring, and enforcement.**

Section 1. Section 2. Definitions

A. The following terms, when used whether or not capitalized in this Bylaw, shall have the meanings set forth below, unless the context otherwise requires. Additional definitions may be set forth in the Rules and Regulations promulgated by the Department of Public Works under Section 6.C of this bylaw.

“Building footprint” – The outline of the total area covered by a building’s

perimeter at the ground level.

“Development” – The modification of land to accommodate a new use or expansion of use, usually involving construction.

“Impervious surface” – A hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools, and play areas.

“Land Alteration” – Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

“Predevelopment” – The status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot.

“Runoff” – Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

“Runoff Rate” – The speed and volume of stormwater which flows over the surface of the land.

~~“Stormwater” – storm water, snow melt; the flow of water which results from precipitation and which occurs following rainfall or snowmelt~~ Runoff from precipitation or snow melt and surface water runoff and drainage.

Section 3. Authority

This Bylaw is adopted under authority granted by the Home Rule Amendment of the Massachusetts Constitution and the Home Rule statutes, and pursuant to the regulations of the federal Clean Water Act found at 40 CFR 122.34.

~~Section 2.~~ **Section 4. Applicability**

~~This bylaw is applicable to the following development or redevelopment:~~

- ~~A. — All development of a previously undeveloped vacant lot, resulting in a structure where building footprint and other impervious surfaces exceeds 500 square feet;~~
- ~~B. — Alteration of a developed property resulting in an increase to the impervious area of a lot by more than 350 square feet.~~

~~This bylaw shall not apply, however, to the paving of private ways that are owned in common with abutting lot owners, and that serve purposes similar to that of public ways, and that are not driveways entirely located on a single lot or on multiple lots under the same ownership.~~

- A. This bylaw shall be applicable to all new development, development, redevelopment, or land alteration activities resulting in either an increase in impervious surface of 350 square feet or more, or land alteration of 1 acre or more, including such activities that may also require a permit issued by the Redevelopment Board, Conservation Commission, Zoning Board of Appeals, and/or the Inspectional Services Department. A development shall not be segmented or phased in a manner to avoid compliance with this bylaw. This bylaw shall also apply to land alterations or disturbances that are less than one acre but are part of a larger plan of development disturbing one acre or more.
- B. Project Categories. The Permitting Authority may by regulation establish categories of projects ranging from “minor” to “major” based on project size, scope, nature, or location. Project Application requirements and submittals, fees, and criteria for permit issuance shall be scaled appropriately based on project category.

Section 3. Standard

~~No project subject to this bylaw may increase the surface water runoff rate relative to the predevelopment runoff rate.~~

~~Section 4. Section 5. Procedure~~

- A. ~~Application: Prior to the issuance of a building permit for any activity subject to this bylaw, a grading and drainage plan shall be submitted to the Engineering Division, consistent with specifications to be developed by the Arlington Department of Public Works. A fee of \$25.00 shall be assessed to cover the costs of review of the plan.~~
- B. ~~Review: The Engineering Division will review the application, and within 14 days approve, approve subject to conditions, or reject the plan.~~
- C. ~~Relief: The applicant may request relief when strict adherence to this bylaw can be shown to constitute significant hardship due to unique topographical aspects of the site or due to serious financial hardship. Relief may be granted by the Director of Public Works, after consultation with the Engineering Division which decision shall be made within 14 days after the request for same is made. Further relief from the decision of the Director of Public Works may be sought from the Zoning Board of Appeals, which will make a de novo determination after a hearing on the merits. The Zoning Board will convene such hearing within 21 days of a request for relief from the applicant and make a decision within 14 days of the hearing.~~
- D. ~~Prior to project completion, the Town Engineer or the Engineer’s representative shall determine if there has been compliance with the storm water plan; if found to be not in compliance, the applicant will be~~

~~notified of remaining work to be done; if found in compliance, a certificate of completion will be issued.~~

- ~~E. — Any attempt to occupy the premises by the applicant or anyone else without compliance with the provisions of this bylaw shall be punishable by a fine of \$200 each day of noncompliance to be considered a separate offense.~~

Permit procedures and requirements shall be defined in the Rules and Regulations promulgated pursuant to Section 6.C. of this bylaw.

~~Section 5.~~ Section 6. Administration

- ~~A. — The Engineering Division, subject to approval by the Director of public Works and the Town Manager, shall establish administrative procedures for the review and approval of storm water management plans. Failure to promulgate rules and regulations will not have the effect of suspending or invalidating this bylaw.~~
- ~~B. — The Engineering Division shall utilize the policy, criteria, and information, including specifications and standards, of the latest edition of the Massachusetts Department of Environmental Protection's revised Surface Water Discharge Permit Regulations at 314 CMR 3.06(11)(b)5 Storm Water Management Policy for execution of the provisions of this bylaw.~~
- A. The Town Engineer or its Designee shall administer this bylaw.
- B. The Engineering Division may designate additional authorized agents (Designees) of the Conservation Commission, Redevelopment Board, Zoning Board of Appeals, or Building Inspector to issue Stormwater Permits concurrent with other permitting processes for projects when the land alteration or change in impervious cover is wholly under their jurisdiction.
- C. The Engineering Division, subject to approval by the Director of Public Works and the Town Manager, shall adopt, and may periodically amend, Stormwater Management Rules and Regulations including terms, conditions, definitions, enforcement, fees, delegation of authority, procedures and administration of this Bylaw. A public hearing must be held at least 2 weeks prior to the adoption or amendment of such Rules and Regulations, and a draft of the proposed Rules and Regulations must be made publicly available at least 2 weeks prior to the public hearing. Failure of the Engineering Division to issue such Rules and Regulations or legal declaration of their invalidity by a court, shall not act to suspend or invalidate the effect of this Bylaw.
- D. Stormwater Management Standards. For execution of the provisions of this Bylaw, the Permitting Authority shall define stormwater management standards within the Rules and Regulations. These standards shall

incorporate into the Rules and Regulations the minimum standards of the EPA National Pollutant Discharge Elimination System (NPDES) General Permit for Stormwater Discharges from Small Municipal Separate Storm Sewer Systems (MS4 Permit) and the specifications and standards of latest editions of the Massachusetts Stormwater Management Standards and Technical Handbooks or an approved local alternative that is based on more current information. The stormwater management standards may be updated and expanded periodically, based on improvements in engineering, science, monitoring, and local maintenance experience.

- E. The Department of Public Works or its Designee has the authority to resolve illicit connections by the means necessary. This authority may be set forth by this Bylaw and is stated in the Rules and Regulations as stated in the Rules and Regulations Relating to Use of Public and Private Sewers.

Section 7. Enforcement

The Engineering Division or its Designee shall enforce this Bylaw, Regulations, orders, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief. If a person violates the provisions of this Bylaw, or any associated Regulations, permit, notice, or order issued thereunder, the Engineering Division or its Designee may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.
- B. Orders. If the Engineering Division or its Designee determines that a person's failure to follow the requirements of this Bylaw, any regulatory provision issued hereunder, or any authorization issued pursuant to this Bylaw or Regulations is creating an adverse impact to a water resource, then the Engineering Division or its Designee may issue a written order to the person to remediate the adverse impact, which may include requirements to:
- (1) Cease and desist from land-disturbing activity until there is compliance with the Bylaw or provisions of an approved Stormwater Management Permit;
 - (2) Maintain, install, or perform additional erosion and sediment control measures;
 - (3) Perform monitoring, analyses, and reporting;
 - (4) Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
 - (5) Comply with requirements in the Stormwater Management Permit for operation and maintenance of stormwater management systems;

(6) Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or

(7) Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.

C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, the order shall set forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division or its Designee within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Engineering Division or its Designee affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day at which the costs first become due.

Section 8. Fee Schedule

A. Permit fees are payable at the time of Application and are nonrefundable.

B. Permit fees shall be calculated by the Engineering Division and shall be approved by the Director of Public Works and Town Manager. Fees shall be outlined within the Rules and Regulations.

C. Town, County, State, and Federal projects are exempt from fees.

D. Consultant Fee. Upon receipt of a Stormwater Permit Application the Engineering Division is authorized to require an Applicant to pay a fee for the reasonable costs and expenses borne by the Engineering Division for specific expert engineering and other consultant services deemed necessary by the Engineering Division to come to a final decision on the Application. The fee is called the consultant fee. The consultant shall be chosen by, and report only to, the Engineering Division. The exercise of discretion by the Engineering Division 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

**Patriot's Day
Memorial Day
Independence Day**

**Thanksgiving Day
Christmas
Christmas Eve Day if same Falls on a
Monday Through Friday**

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head. Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

(5 – 0)

COMMENT: This Article, inserted at the request Arlington Human Rights Commission, seeks to amend the Town Bylaws to rename the federal and state holiday on the second Monday in October known as “Columbus Day” to “Indigenous Peoples Day”. The holiday falls annually on the second Monday in October. The proposed amendment is a piece of a wider effort to celebrate and recognize the heritage of the peoples indigenous to Massachusetts and Arlington in lieu of the often mythologized 15th Century explorer Christopher Columbus and his expeditions and colonies established on behalf of the Spanish Crown.

The Select Board unanimously recommends positive action on this article, and notes that the Massachusetts Legislature is presently considering similar changes to the state law. We further note that the above motion includes the language “known as the state and federal holiday ‘Columbus Day’” to make it clear that a new holiday is not being created for Town employees.

ARTICLE 13

**BYLAW AMENDMENT/ADDING JUNETEENTH
INDEPENDENCE DAY TO HOLIDAYS**

VOTED: That Title I, Article 6, Section 16 (“Holidays”) of the Town Bylaws is hereby amended to add a new holiday “Juneteenth Independence Day” so as to read as follows:

Section 16. Holidays

(ART. 44, ATM –06/16/97) (ART. 17, ATM – 05/30/07)

In order to qualify for holiday credit, a regular employee shall have worked on the last regularly scheduled work day prior to, and the next regularly scheduled work day following such holiday, unless it is an absence for which compensation is payable as provided under this by-law.

The following days in each year shall be considered as holiday credits:

New Year's Day

Labor Day

Martin Luther King Day	Columbus Day
Washington's Birthday	Veterans' Day
Patriot's Day	Thanksgiving Day
Memorial Day	Christmas
<u>Juneteenth Independence Day</u>	Christmas Eve Day if same falls on a
Independence Day	Monday Through Friday

Whenever a holiday falls on Saturday, another working day off with pay shall be arranged at the discretion of the department head. Good Friday shall be considered as half day holiday credit. The day following Thanksgiving shall be treated as a holiday unless an employee is scheduled to work same by the department head in which event the employee will be granted another day off at the discretion of the department head.

(5 – 0)

COMMENT: This Article has also been inserted at the request of the Arlington Human Rights Commission for the purpose of recognize a Massachusetts state holiday – Juneteenth Independence Day – a celebration of the anniversary of June 19, 1865, when African-Americans in Galveston, Texas first learned of the Emancipation Proclamation, passed more than two years earlier. The Commonwealth originally recognized Juneteenth in 2007 as set forth in G.L. c. 6 sec. 15BBBBB, but on a Sunday. In 2020, Massachusetts’ recognition of the holiday was amended so that it would be observed on the 19th of June and thus created a new observed holiday.

The Board thus recommends positive action on this article to join the State in commemorating the importance of Juneteenth. As a technical matter, it should be noted that the Town is still working on how the observance of Juneteenth will affect various Town employees and collective bargaining units.

ARTICLE 14 BYLAW AMENDMENT/GUTTERS IN HISTORIC DISTRICTS

VOTED: That Title VII (“Arlington Historic District Commissions”) Article 4 (“Authority of Commissions and Limitations Thereon”) Section 3 (“Limitations on Authority of Commissions”) be and hereby is amended to add a new exemption in a new subsection “H” as follows:

H. The replacement of existing wood or aluminum gutters with fiberglass gutters, provided that the fiberglass replacements shall be 1) substantially similar in size, design, and installation to those being replaced and 2) subject other such conditions as to manufacturer, installation details [including paint], documentation requirements, and similar matters as the relevant Commission may reasonably specify.

(5 – 0)

COMMENT: The Select Board appreciates and recommends positive action on this

article to provide a new “exemption” from Arlington Historic District Commissions (“AHDC”) review for compliance with Historic District requirements. In brief, the AHDC’s experience is that appropriate modern fiberglass gutter products can sufficiently replicate the appearance of much more expensive and difficult to procure wooden gutters. As such, it does not make sense for such updates to be submitted for a full AHDC review for a certificate of appropriateness. Rather, homeowners in historic districts can simply apply for a certificate of non-applicability, which can be handled much more efficiently and without consuming as much of the commissions’ or owners’ time and resources.

ARTICLE 15 BYLAW AMENDMENT/DOMESTIC PARTNERSHIPS

VOTED: That Title I of the Town Bylaws (“General Government”) be and hereby is amended by inserting a new article to provide for the formal recognition of domestic partnerships as follows:

ARTICLE 23: DOMESTIC PARTNERSHIPS

Section 1. Purpose and Intent

The Town of Arlington (“Town”) recognizes the diverse composition of its citizenry and realizes that a perpetuation of the traditional meaning of “family” can exclude a segment of the Town’s population by: (1) depriving them of recognition and validation; and (2) denying them certain rights that should be afforded to persons who share their homes, hearts, and lives. Recognizing its commitment to fair treatment of its citizens, the Town adopts this Bylaw that acknowledges domestic partnerships. People in committed relationships who meet the criteria established by the Town as constituting a domestic partnership are provided an opportunity by this Bylaw to register at the office of the Town Clerk, obtain a certificate attesting to their status, and share in certain rights and benefits conferred under this Bylaw.

Section 2. Definitions

A. “Domestic partnership” shall mean two persons who meet all of the following requirements and who register their domestic partnership in accordance with Title I, Article 23, Section 3.

- (1) They have made a commitment of mutual support and caring for each other;**
- (2) They reside together and intend to do so indefinitely;**
- (3) They share basic living expenses;**
- (4) They are at least eighteen (18) years of age;**
- (5) They are competent to enter into a contract;**

(6) They are each other's sole domestic partner; and

(7) They are not married to anyone or related to each other by blood closer than would bar marriage in the Commonwealth of Massachusetts.

B. “Dependents” shall mean a child or step-child of either domestic partner.

C. “Basic living expenses” shall mean the cost of food, shelter, utilities and essential household goods. The individuals need not contribute equally to the cost of these expenses. Labor or services in kind shall be recognized as contributions to basic living expenses.

D. “Domestic Partner” shall mean a person who meets the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw and registers pursuant to Title I, Article 23, Section 3 of this Bylaw.

Section 3. Registration, Amendment and Termination

A. Registration

(1) Statement of Domestic Partnership

(a) Domestic partners who meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw may make an official record of their domestic partnership by completing, signing and submitting to the Town Clerk a statement of domestic partnership. Persons submitting a statement of domestic partnership must declare under penalty of perjury that they meet the requirements set forth in Title I, Article 23, Section 2(A) of this Bylaw.

(b) The domestic partnership statement shall be on a form prescribed by the Town Clerk, which form shall include, but shall not be limited to, the names of the domestic partners and the date on which they became each other's domestic partners.

(c) The names and dates of birth of any dependents of the domestic partnership.

B. Amendment

Domestic partners may file a Domestic Partnership Amendment Form with the Town Clerk to add or delete dependents or change an address. Any amendment shall be signed, under the pains and penalties of perjury, by both of the domestic partners.

C. Termination

- (1) Domestic partners shall notify the Town Clerk of the termination of their domestic partnership. Either member of a domestic partnership may terminate the domestic partnership by filing a termination statement with the Town Clerk. Termination of a domestic partnership shall become effective ninety days (90) days after the termination statement is filed with the Town Clerk; provided, however, that a domestic partnership shall terminate immediately upon the death of either of the partners. Any person filing a termination statement must declare under the pains and penalties of perjury that the domestic partnership is thereby terminated and that the other domestic partner has been notified of such termination either personally or by mailing a copy of the termination statement to the other domestic partner's last and usual address by certified mail.
- (2) No person may file a new statement of domestic partnership until any previous domestic partnership of which he or she was a member has been effectively terminated.

Section 4. Town Clerk

- A. The Town Clerk shall maintain records of the registration, amendment and termination of domestic partnerships as permanent records. The Town Clerk shall provide appropriate forms for a Statement of Domestic Partnership, for the registration of the Statement and for the amendment and termination of a domestic partnership.
- B. The Town Clerk shall charge a fee for filing a domestic partnership equal to the fee charged to file a marriage license. Payment of the filing fee shall entitle the person filing the statement on behalf of the domestic partnership to receive one copy of the statement certified by the Town Clerk. The fee for additional certified copies of the statement, or for copies of amendment or termination statements, shall be the same fee charged for additional certified copies of a marriage license.

Section 5. Rights of Domestic Partners

Persons who have registered their domestic partnership with the Town Clerk pursuant to Title I, Article 23, Section 3 are entitled to the following rights:

- A. Visitation at health-care facilities.
 - (1) A domestic partner shall have the same visitation rights as a spouse or parent of a patient at all health-care facilities operated and maintained by the Town. A dependent shall have the same visitation rights as a patient's child.

- (2) The term "health care facilities" includes hospitals, convalescent facilities, mental health care facilities, nursing homes, and other short and long term care facilities operated and maintained by the Town.

B. Visitation at correctional facilities.

- (1) A domestic partner shall have the same visitation rights at all correctional facilities operated and maintained by the Town as a spouse or parent of a person in custody. A dependent shall have the same visitation rights afforded to the child of a person in custody.
- (2) The term "correctional facilities" includes, but is not limited to, holding cells, jails and juvenile correction centers operated and maintained by the Town.

C. Access to children's school records and personnel.

- (1) A domestic partner who is also the custodial parent or legal guardian of a child may file a school authorization form at, or send a letter to, the child's school to indicate that the parent's domestic partner shall have access to the child's records, access to school personnel in matters concerning the child and access to the child, including the right to remove such child from the school for sickness or family emergency. The school shall afford such person access as directed by the child's parent.
- (2) When a domestic partnership is terminated pursuant to Title I, Article 23, Section 3(C), it is the responsibility of the parent or guardian to notify the school, in writing, of the termination of rights of the former domestic partner.
- (3) As used herein, the term "school" shall only include facilities owned and operated by the Town and shall include, but shall not be limited to, high schools, vocational schools, junior high and middle schools, elementary schools, preschools and preschool programs, after-school programs and day-care programs, provided that such are owned and operated by the Town.

SECTION 6. Interpretation

It is the intention of this Bylaw that its provisions shall be enforceable to the maximum extent permitted by law.

SECTION 7. Reciprocity

All rights, privileges and benefits shall be extended to domestic partnerships registered pursuant to similar laws enacted in other jurisdictions.

SECTION 8. Non-Discrimination

No person who seeks the benefit of this Bylaw, registers pursuant to its provisions, or assists another person in obtaining the benefits of this Bylaw shall be discriminated against in any way for doing so.

SECTION 9. Severability

The provisions of this Bylaw are severable. If any of its provisions are held invalid by the Attorney General, a court of competent jurisdiction or other reviewing authority, all other provisions shall continue in full force and effect.

SECTION 10. Effect on Other Town Bylaws

When the term “spouse” is used in other Town Bylaws, it shall be interpreted to include a domestic partner. When the term “family” is used, it shall be interpreted to include domestic partnerships. When the term “marriage” is used, it shall be interpreted to include domestic partnerships.

(5 – 0)

COMMENT: The Select Board unanimously supports the formal recognition of domestic partnerships through adoption of this proposed Bylaw, which was also endorsed by the Town’s LGBTQIA+ Rainbow Commission. The Board recognizes that as part of the Town’s ongoing commitment to the fair and equitable treatment of its residents, a formal recognition of domestic partnerships is appropriate. A discussion of the possibility of an expansion of the definition of domestic partnership to include more than two persons was held by the Board, but the Board understands and appreciates that such an expansion would rest on uncertain legal footing. Accordingly, the Select Board supports the Bylaw as proposed, to be defined as two persons who meet the requirements set forth therein. The Select Board recognizes and embraces the diversity of the Town’s population and supports the formal recognition of domestic partnerships, which will confer certain rights and benefits as outlined in the Bylaw.

ARTICLE 16

**BYLAW AMENDMENT/PRE-CONSTRUCTION
RODENT SURVEY AND PEST MANAGEMENT**

VOTED: That no action be taken on Article 16.

(5 – 0)

COMMENT: The Select Board values the intentions of this article, which is both to promote integrated pest management and address rodent infestations before major site work begins on demolitions and other significant projects. Unfortunately, State law prevents the Town from enacting a bylaw proscribing the manner of pest management employed by licensed professionals. Fortunately, the Town Health and Human Services Department already performs much of the work sought by the proposed bylaw, including

A majority of voting members shall constitute a quorum, and decisions shall be based on the vote of a simple majority of those committee members present and voting.

C. Organization and First Meeting

The initial meeting of the Study Committee shall be convened by the designee of the Select Board, and the first order of business shall be the self-organization of the study committee through the election of one or more chairs, whose responsibility shall be to convene and preside over all future meetings, as well as a clerk, whose duties shall include the proper posting of meeting agendas and minutes. The Study Committee shall designate any other officers as it sees fit.

II. Committee Charge & Reporting

- A. The Study Committee shall study the need, value, and options for the creation and operation of a permanent board or committee aimed towards fostering youth and young adult involvement in governance and youth and young adult input on all issues facing the town.**
- B. The Study Committee shall be encouraged to examine and compare models for obtaining youth and young adult input and feedback as well as the overall structures and functions of a Youth and Young Adult Advisory Board or similar entity.**
- C. The Study Committee shall report its recommendations to the 2022 Annual Town Meeting.**

III. Dissolution

The study committee will be dissolved concurrent with the dissolution of the 2022 Annual Town Meeting, unless there is a vote of Town Meeting to effectuate an earlier dissolution or other amendment.

(5 – 0)

COMMENT: The Select Board recommends positive action on the establishment of a committee of Town Meeting to explore the options for creation of an “Arlington Youth and Young Adult Advisory Board” or similar entity. The primary goal of such a Board would be proactively garnering youth perspectives on a wide array of Town policies, practices and issues, and to foster engagement that flows from including Arlington Youth in our government. It is the expectation of the Select Board that the proposed study committee

- A. The Committee shall consist of nine (9) members:**
 - **One (1) member of the Select Board, or their designee**
 - **One (1) member of the School Committee, or their designee**
 - **One (1) member of the ARB, or their designee;**
 - **The Town Manager or their designee;**
 - **One (1) member of the Disability Commission, or their designee; and**
 - **Four (4) Town Meeting Members appointed by the Moderator.**

- B. The Town Moderator or their designee shall serve as chair of the committee for the purposes of the Committee’s first organizational meeting, in which the Committee may elect officers as it deems appropriate.**

2. Committee Charge

The Committee is charged with comprehensively examining options and requirements for providing remote participation through video-conferencing or other similar technology in public meetings under ordinary conditions where, among other things, the Open Meeting Law will require in-person attendance by public body members in a physical location. The Committee’s study shall include, but not be limited to:

- A. Evaluating the benefits and challenges of providing hybrid forms of public meetings;**
- B. Assessing which public bodies can and should provide remote participation;**
- C. Examining what portions of meetings can and should be available for remote participation;**
- D. Determining what, if any, local rules beyond legal requirements can and should be established for remote participation;**
- E. Understanding the costs of different models of remote participation, especially hybrid remote participation;**
- F. Evaluating the impact of remote participation on accessibility requirements and concerns.**

3. Committee Reports

- A. The Committee shall provide a report to the Town Clerk and the Select Board on or before October 1, 2021 to:**
 - i. Make ranked recommendations with respect to remote participation policies in the Town of Arlington; and**

 - ii. Offer any recommended Town Meeting warrant articles for inclusion on the 2022 Annual Town Meeting Warrant.**

B. The Committee shall provide a final report to the 2022 Town Meeting on all of the subjects listed herein.

4. Dissolution

Absent a vote of a future Town Meeting to maintain it, the Committee shall dissolve following the close of the 2023 Annual Town Meeting.

(5 – 0)

COMMENT: The Select Board requests Town Meeting’s support for the creation of a study committee to evaluate the extension of remote participation opportunities in public meetings after the suspension of the Open Meeting Law’s requirement for in-person meetings is lifted. As Town Meeting knows, all public bodies are required to have meetings in-person in physical locations. However, the Select Board is responsive to the observation that video-conference meetings under pandemic conditions have largely increased public participation in public meetings. While the Board is cognizant of legal and logistical limitations of some facets of “hybrid” meetings, it unanimously supports a focused, short-term study committee to examine which committees and commissions and which portions of meetings ought to be made accessible for public participation by remote means; how to best provide such remote access; and what costs in equipment, staffing, and support would be necessary to adequately provide same.

**ARTICLE 21 VOTE/RESERVE AFFORDABLE HOUSING FOR PEOPLE
EARNING AT OR UNDER 60% AMI**

VOTED: That no action be taken on Article 21.

(5 – 0)

COMMENT: The Select Board recognizes and concurs with much of the spirit of this Article. In summary, the Article asserts that the resources of the Affordable Housing Trust Fund (“AHTF”) recently established at the November 2020 Special Town Meeting should be focused on those Arlington residents of greater needs – who have incomes at or lower than 60 % of the so-called “Area Median Income” (“AMI”). However, as was debated and discussed in developing the bylaw for the AHTF Board of Trustees at the November 2020 Town Meeting, many potential funding sources, partners, and worthy recipients, including the Community Preservation Act, Community Development Block Grants employ AMI standards with greater flexibility. To that point, AHTF funds are highly likely to be used to leverage further state, federal and private resources. Restricting yet to be appointed Trustees’ ability to fund projects that are eligible for those other resources could be counter-productive in unintended ways.

Furthermore, one of the first tasks for the AHTF Board of Trustees will be developing a “Trust Action Plan” and identifying housing needs and priorities in Arlington through a process that will invite community engagement. In the Select Board’s experience, committees and commissions in these arenas prioritize funds well. Indeed the overwhelming majority, if not the all of affordable housing grants provided the Select Board and the Community Preservation Act Committee (through CDBG and CPA funds

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

**“AN ACT AMENDING THE TOWN MANAGER ACT OF ARLINGTON
RELATIVE TO RANKED CHOICE VOTING”**

Section 1. Chapter 503 of the Acts of 1952 (The Town Manager Act of Arlington) as subsequently amended, is hereby amended by inserting a new Section 8B “Ranked Choice Voting” as follows:

Section 8B. Ranked Choice Voting

The offices of Select Board, School Committee, Town Clerk, Moderator, Housing Authority, and Assessor shall be elected by ranked choice voting at the annual election. “Ranked choice voting” shall mean a method of casting and tabulating ballots in which voters rank candidates for office in order of preference. Ranked choice voting shall apply to a single-seat office only when the number of candidates exceeds two and to a multi-seat office when the number of candidates exceeds the number of seats to be elected. Ranked choice voting elections shall be tabulated in rounds as follows.

(a) For the purposes of this section, the following terms have the following meanings:

1. “Batch elimination” means the simultaneous defeat of multiple candidates for whom it is mathematically impossible to be elected.
2. “Concluded ballot” means a ballot that does not rank any continuing candidate, contains an overvote at the highest continuing ranking, or contains two or more sequential skipped rankings before its highest continuing ranking.
3. “Continuing candidate” means a candidate who has not been defeated or elected.
4. “Highest-ranked continuing candidate” means the continuing candidate with the highest ranking on a voter's ballot.
5. “Last-place candidate” means (i) the candidate with the lowest vote total in a round of the ranked-choice voting tabulation; or (ii) a candidate that is defeated in batch elimination.
6. “Overvote” means a circumstance in which a voter ranks more than one candidate at the same ranking.
7. “Ranking” means the number assigned on a ballot by a voter to a candidate to express the voter's preference for that candidate. Ranking number one is the highest ranking, ranking number two is the next-highest ranking and so on.

8. “Skipped ranking” means a circumstance in which a voter does not use a ranking and ranks a candidate with a subsequent ranking.

(b) In any single-seat election, each round begins by counting the number of votes for each continuing candidate. Each ballot counts as one vote for its highest-ranked continuing candidate. Concluded ballots are not counted for any continuing candidate. Each round then ends with one of the following two outcomes:

- 1. If there are more than two continuing candidates, the last-place candidate is defeated, or the last-place candidates are defeated in batch elimination, and a new round begins.**
- 2. Otherwise, the candidate with the fewest votes is defeated, the candidate with the most votes is elected, and tabulation is complete.**

(c) In any multi-seat election, the first seat is filled by the tabulation in subsection (b). The remaining seats are filled by repeated application of subsection (b); provided, however, that all choices marked for candidates who have already been elected shall be disregarded and votes for an elected candidate shall instead count for the next highest-ranked continuing candidate.

(d) A candidate is defeated in “batch elimination” if one of the following applies:

- (i) The candidate's current vote total plus all votes that could possibly be transferred to the candidate in future rounds is not enough to equal or surpass the candidate with the next-higher current vote total; or**
- (ii) the candidate has fewer votes than a candidate described in (i).**

(e) If two or more last-place candidates are tied and batch elimination does not apply, the candidate with the fewest votes in the prior round is defeated. If two or more such tied candidates were tied in the prior round, the second tie shall be decided by referring similarly to the standing of candidates, in terms of votes, in the second-prior round. This principle shall be applied successively as many times as necessary, a tie shown in any prior round being decided by referring to the standing of the candidates in the round immediately preceding the tie.

(f) The Town Clerk shall have the authority to make any changes to the ranked choice voting ballot and tabulation process necessary to ensure the integrity and smooth functioning of the election, provided that ranked choice voting shall still be used and the smallest number of changes are made to achieve such purpose.

Section 2. This Act shall take effect upon approval of the majority of Arlington voters by local ballot question.”

(4 – 1) Mr. DeCoursey voted in the negative.

COMMENT: The Select Board requests Town Meeting’s support for this recommendation by the Election Modernization Committee to join a number of other Massachusetts jurisdictions in employing “Ranked Choice Voting” (“RCV”) for Town elections should Arlington voters agree following a local ballot question. In summary, RCV is an electoral method by which voters rank candidates by preference rather than voting for a single candidate (or multiple candidates where more than one seat is available). The Select Board is unanimous in its support for RCV in single seat elections.

In a standard race for a single seat with three or more candidates if any candidate obtains more than fifty percent of the votes in the first tabulation they are declared the winner. If not, the candidate with fewest “first-preference” votes is eliminated and those voter’s second choices are counted. This process of eliminating the candidate with fewest votes and elevating the next preference is repeated until two candidates remain. When two candidates remain, the candidate with the most votes — necessarily a majority of the votes in the final round — wins.

In a multi-seat election, the Select Board recommends a modification from previous proposals submitted to Town Meeting. The Select Board is recommending a ‘majoritarian’ RCV approach (as opposed to the “proportional” model). The majoritarian RCV uses the same process as for a single-seat race, but that process is iterated as many times as there are open seats. After the first seat is filled, the winning candidate’s name is removed from choices and the process is repeated.

While there are some concerns about the need for further public outreach and unintended consequences of RCV, the majority of the Board believes that RCV, especially utilizing the majoritarian model, will allow voters to express more nuanced candidate preferences, make running for office more accessible, and enhance voter participation that better reflects voter positions.

ARTICLE 25

**HOME RULE LEGISLATION/REAL ESTATE
TRANSFER FEE**

VOTED: That the Town hereby authorizes and requests the Select Board to petition the General Court for special legislation substantially in the form below that that would impose a real estate transfer fee to be used by the Town for the purposes of acquiring, creating, preserving, rehabilitating, restoring and supporting affordable housing in the Town:

“An act establishing a real estate transfer fee upon the transfer of property in the Town of Arlington.”

SECTION 1. There is hereby imposed a real estate transfer fee, hereafter “the fee,”

upon the transfer of any real property interest or the transfer of a controlling interest in a trust, limited liability company, or other entity that directly or indirectly holds an interest in any real property situated in the Town of Arlington according to the price thresholds, fee rates, and other terms to be established by Town Meeting following a recommendation by the Arlington Select Board;

SECTION 2. The fee shall apply to any transfer exceeding a threshold price set by Town Meeting following a recommendation by the Select Board, but not less than 100 % of the statewide median sale price of a single family home as determined by the Massachusetts Department of Housing and Community Development;

SECTION 3. The fee applied shall be between .05% and 2.0% of the transfer price, to be assessed upon the buyer/transferee, the seller/transferor or both parties to be determined by a vote of Town Meeting following a recommendation by the Arlington Select Board; and the Town may define by bylaw what constitutes a controlling interest and the calculation of the fee.

SECTION 4. The following transfers of real property interests shall be exempt from the fee established in Section 1:

- (A) transfers for less than 100% of the state median sale price of a single family home as determined by the Department of Housing and Community Development;**
- (B) transfers made as gifts with consideration less than \$100 if the seller shall have been at the time of the transfer the spouse, domestic partner, lineal descendant, or the lineal ancestor of the purchaser, by blood, marriage, or adoption;**
- (C) transfers to the federal government, the Commonwealth, and any of their instrumentalities, agencies or subdivisions, including the Town and/or the Arlington Housing Authority;**
- (D) transfers of residential property that include one or more units governed by affordable housing restrictions provided that the fee imposed shall be proportionately reduced based on the percentage of residential units with affordable housing restrictions, as compared to the total number of residential units;**
- (E) transfers made without additional consideration to confirm, correct, modify or supplement a transfer previously made;**
- (F) transfers by operation of law without actual consideration, including but not limited to transfers occurring by virtue of death or bankruptcy of the owner of real property interest;**
- (G) transfers made in partition of land and improvements thereto, under chapter 241 of the General Laws;**
- (H) transfers to a charitable organization, as defined in clause Third of section 5 of chapter 59 of the General Laws, or a religious organization, provided, however, that the real property interests so transferred will be held solely for affordable housing related uses that are consistent with the uses allowed by the Arlington Affordable Housing Trust Fund;**

- (I) transfers for a mortgagee in foreclosure of the mortgage held by the mortgagee, and
- (J) transfers of the property subject to a mortgage to the mortgagee in consideration of the forbearance of the mortgagee from closing such mortgage; and transfers consisting of the division of marital assets under the provisions of Section 34 of chapter 208 of the General Laws or other provisions of law.

SECTION 5. The Town may not, by bylaw or otherwise, eliminate or reduce any exemption set forth in this in Section “4” of this Act.

SECTION 6. The fee shall be paid to the Town into the Arlington Affordable Housing Trust Fund under the provisions of G.L. c. 44 Section 55 C, and appropriations therefrom shall be limited to financing affordable housing and reasonable amounts for personnel and other costs; and the Town shall have such remedies to collect the fee as provided by law with respect to the collection of real property taxes, including collection and imposing liens for any outstanding transfer fee.

SECTION 7. The Town may, by bylaw, adopt additional requirements, exemptions, waivers, and regulations to implement or enforce said fee, consistent with this act.

SECTION 8. The Town shall require a copy of the deed or other instrument evidencing such transfer and shall be accompanied by:

- (A) an affidavit signed under oath or under the pains and penalties of perjury by the purchaser and seller attesting to the purchase price;
- (B) the applicable fee owed or, if applicable, an affidavit of intent to seek one of the permissible exemptions, as described above for that property by the purchaser; and
- (C) the basis, if any, upon which the transfer is claimed to be exempt in whole or in part from said fees.

SECTION 9. Upon receipt of the transfer fee or satisfactory evidence of exemption, the Town or its designee shall promptly thereafter issue a certificate indicating that the fee has been paid or that the transfer is exempt from the fee. The South Middlesex Registry of Deeds shall not record or register a deed unless the deed is accompanied by such certificate.

SECTION 10. the Town shall prepare and issue an annual report that:

- (A) identifies fee receipts;
- (B) quantifies affordable housing programs funded, including type and purpose; and
- (C) evaluates the impact of said affordable housing programs, including but not limited to, to the extent reasonably possible and permitted by applicable law, the number and demographics of individuals and

families served as well as measures of housing stability and wealth generation in the community.

SECTION 11. Acceptance of this act by the Town of Arlington shall be first by vote of approval at an annual Town Meeting, to be followed by an affirmative vote of a majority of the voters at any regular or special election at which the question of acceptance is placed on the ballot.

SECTION 12 Sections “1” to “10,” inclusive shall take effect 30 days after such acceptance by the Town.

(5 – 0)

COMMENT: The Select Board endorses the next step in securing steady, independent sources of revenue to assist the newly created Arlington Affordable Housing Trust Fund (“AHTF”) in supporting affordable housing throughout Arlington – filing special legislation to authorize a local real estate transfer fee. At the outset, it should be stressed that the proposal before Town Meeting, as recommended by the Housing Plan Implementation Committee is contingent upon 1) the Meeting’s approval; 2) a successful special act in the Legislature; and 3) a positive local ballot question vote to establish a fee.

If all of those approvals are gained, the Town would assess a fee of between .05 and 2.00 % of the total purchase and sale price of real estate in Arlington to benefit the specific and limited purpose of supporting AHTF projects. This Board would be charged with recommending to Town Meeting for vote or bylaw the minimum sale price for triggering application the transfer fee (for all eligible transactions, not on a case-by-case basis), apportioning responsibility for the fees, and setting the rate itself for all transactions, but many common transfers would be exempt. For example a transfer or property between immediate family where little or no financial consideration is involved would be exempt. Moreover, any transfer valued at under 100% of the statewide median sale price (\$445,000 in 2020) would also be exempt.

The benefits to affordable housing programs in Arlington, even at the lowest rates or applied to only higher value transactions would be substantial, as evidenced by this table provided by the Department of Planning and Community Development:

Transaction Threshold	Total Value in Sales in 2020	0.05%	0.5%	1.0%	2.0%
Greater than or equal to \$445,500	\$453,341,983	\$226,671	\$2,266,710	\$4,533,420	\$9,066,840
Greater than or equal to \$860,000	\$265,484,487	\$132,742	\$1,327,422	\$2,654,845	\$5,309,690
Greater than or equal to \$1,000,000	\$162,009,056	\$81,005	\$810,045	\$1,620,091	\$3,240,181

Finally, the Select Board remains committed to sound management of all funds, including those placed in the AHTF through a transfer fee. The Board emphasizes the importance of the reporting requirements set forth in the transfer fee special legislation and expects the AHTF's "Trust Action Plan" and related Town departments to identify how funds are expected to be prioritized and expended.

ARTICLE 26

ENDORSEMENT OF CDBG APPLICATION

VOTED: That the Town hereby endorses the application for Federal Fiscal Year 2022 prepared by the Town Manager and the Board of Selectmen under the Housing and Community Development Act of 1974 (PL 93-383), as amended.

(5 – 0)

COMMENT: This article represents the annual vote to endorse the annual application for Community Development Block Grant funds, a summary of which Town Meeting may find attached to this report.

ARTICLE 27

REVOLVING FUNDS

VOTED: The Town does hereby reauthorize the following Revolving Funds for FY 2022:

Private Way Repairs (3410): Originally established under Article 46, 1992 Annual Town Meeting expenditures not to exceed \$200,000

Beginning Balance 7/1/2019	\$93,000.13
Receipts	20,623.24
Expenditures	51,400.36
Ending Balance, 6/30/20	\$62,223.01

Public Way Repairs (3400): Originally established under Article 45, 1992 Annual Town Meeting expenditures not to exceed \$5,000

Beginning Balance 7/1/2019	\$14,715.06
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/20	\$14,715.06

**Fox Library Community Center Rentals (3990): Originally established under Article 49, 1996 Annual Town Meeting
expenditures not to exceed \$20,000**

Beginning Balance 7/1/2019	\$1,345.47
Receipts	100.00
Expenditures	224.00
Ending Balance, 6/30/20	\$1,221.47

**Robbins House Rentals (4060): Originally established under Article 77, 1997 Annual Town Meeting
expenditures not to exceed \$75,000**

Beginning Balance 7/1/2019	\$12,159.87
Receipts	25,190.00
Expenditures	17,913.93
Ending Balance, 6/30/20	\$19,435.94

**Conservation Commission Fees (5290): Originally established under Article 44, 1996 Annual Town Meeting
expenditures not to exceed \$10,000**

Beginning Balance 7/1/2019	\$1,523.03
Receipts	0.00
Expenditures	180.00
Ending Balance, 6/30/20	\$1,343.03

**Uncle Sam Fees (2440): Originally established under Article 31, 2000 Annual Town Meeting
expenditures not to exceed \$2,000**

Beginning Balance 7/1/2019	\$1,526.31
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/20	\$1,526.31

**Life Support Services (Ambulance) Fees (3210): Originally established under Article 37, 2001 Annual Town Meeting
Expenditures not to exceed \$800,000**

Beginning Balance 7/1/2019	\$525,833.46
Receipts	493,490.35
Expenditures	633,499.65
Ending Balance, 6/30/20	\$385,824.16

Board of Health Fees (4120): Originally established under Article 30, 2005 Annual Town Meeting
 expenditures not to exceed \$150,000

Beginning Balance 7/1/2019	\$151,783.97
Receipts	73,725.99
Expenditures	59,556.44
Ending Balance, 6/30/20	\$165,953.52

Field User Fees (5275): Originally established under Article 78, 2004 Annual Town Meeting
 expenditures not to exceed \$100,000

Beginning Balance 7/1/2019	\$72,800.43
Receipts	49,117.50
Expenditures	14,975.92
Ending Balance, 6/30/20	\$106,942.01

Robbins Library Rentals (4250): Originally established under Article 35, 2006 Annual Town Meeting
 expenditures not to exceed \$8,000

Beginning Balance 7/1/2019	\$34,929.84
Receipts	5,875.00
Expenditures	2,425.02
Ending Balance, 6/30/20	\$38,379.82

Town Hall Rentals (4150): Originally established under Article 35, 2006 Annual Town Meeting
 expenditures not to exceed \$175,000

Beginning Balance 7/1/2019	\$106,049.93
Receipts	70,008.50
Expenditures	70,156.05
Ending Balance, 6/30/20	\$105,902.38

White Goods Recycling Fees (3510): Originally established under Article 35, 2006 Annual Town Meeting
 expenditures not to exceed \$80,000

Beginning Balance 7/1/2019	\$60,137.33
Receipts	22,162.51
Expenditures	39,732.72

Ending Balance, 6/30/20	\$42,567.12
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**Library Vending Fees (4220): Originally established under Article 34, 2009 Annual
Town Meeting
expenditures not to exceed \$25,000**

Beginning Balance 7/1/2019	\$7,042.48
Receipts	2,947.82
Expenditures	3,730.54
Ending Balance, 6/30/20	\$6,259.76

**Gibbs School Energy Fees (2790): Originally established under Article 45, 2010 Annual
Town Meeting
expenditures not to exceed \$120,000**

Beginning Balance 7/1/2019	\$10,924.71
Receipts	
Expenditures	6,110.30
Ending Balance, 6/30/20	\$4,814.41

**Cemetery Chapel Rentals (3435): Originally established under Article 52, 2011 Annual
Town Meeting
Expenditures not to exceed \$15,000**

Beginning Balance 7/1/2019	\$0.00
Receipts	0.00
Expenditures	0.00
Ending Balance, 6/30/20	\$0.00

**Council On Aging Program Fees (3840): Originally established under Article 28, 2013
Annual Town Meeting
Expenditures not to exceed \$100,000**

Beginning Balance 7/1/2019	\$30,080.98
Receipts	7,901.00
Expenditures	18,644.62
Ending Balance, 6/30/20	\$19,337.36

(5 – 0)

COMMENT: The above summary represents the annual vote to receive reports on expenditures and receipts of the various Town revolving funds and to authorize and

prepared by the Town Manager and the Parking Implementation Governance Committee (“PICG”) before submission for endorsement by the Finance Committee and Capital Planning Committee respectively; and subsequently Town Meeting. The Select Board approves the Manager and PICG’s proposal to the Capital Planning and Finance Committees and urges Town Meeting’s support as well.

ARTICLE 69 **VOTE/APPROPRIATION/SCHOOL COMMITTEE
MEMBER STIPENDS**

VOTED: That pursuant to M.G.L. c. 71 section 52, Arlington School Committee Members shall be compensated at an annual stipend of \$3,000 per member commencing in Fiscal Year 2022.¹

(5 – 0)

COMMENT: The Select Board supports this petitioner-led effort to provide members of the School Committee the same stipend afforded to members of the Select Board in recognition of their commitment of time and resources to serving as Arlington Public Schools’ chief elective body. As the proponent of this Article expressed, it is equitable to provide School Committee members in Arlington the same type of stipend afforded members in many other communities and to this Board – the Town’s chief elective body. While the Select Board defers to the Finance Committee for the source of appropriation, we encourage Town Meeting to support establishing this stipend at this rate (a specific rate is required by G.L. c. 71 sec. 52). It should be noted that a stipend at this level does not confer health insurance or retirement benefits to any current members of the School Committee.

ARTICLE 70 **VOTE/TOWN CLERK STUDY**

VOTED: That the Select Board supports to Finance Committee’s Appropriation under this article.²

(4 – 1) Ms. Mahon voted in the negative.

COMMENT: The instant warrant article was inserted at the request of the Town Clerk, and the balance of the Board supports the Finance Committee’s vote to the appropriate up to \$10,000 to conduct a community study on the conversion of the office of the Town Clerk from elected to appointed. The majority of the Board believes that the issue is worth study to evaluate the potential benefits of professionalizing the elected position, noting some of the benefits of converting the Town Treasurer to an appointed office several years ago. Several Board members stressed that supporting study does not guarantee a given outcome. The minority view expressed concerns about consideration of taking a directly-elected office away from voters.

¹ The motion to set forth the amount is properly the Select Board’s, but the recommendation on the appropriation of funds belongs to the Finance Committee.

² The main motion on this article belongs to the Finance Committee as an appropriation.

ARTICLE 78

RESOLUTION/TREE CANOPY AS A PUBLIC HEALTH RESOURCE

VOTED: That no action be taken on Article 78.

(4 – 1) Mr. Diggins voted in the negative.

COMMENT: As a general matter, the Select Board supports recognizing and supporting the value of Arlington’s tree canopy. It is not yet clear what the resolution proposes to add to the Town’s commitment to or recognition of such a resource whether articulated in the Town’s already existing “Tree Protection and Preservation Bylaw;” evidenced in the work of the Tree Committee established by the Select Board; or as protected by the Town’s Wetlands Bylaw, or even the General Law’s public shade tree laws. For example, the Town’s Tree Preservation bylaw highlights the importance of trees relative to air quality, heat, noise pollution, and flood control, as well as their aesthetic value. While a minority of the Board sees no harm in forwarding the resolution to Town Meeting, the majority does not wish to recommend a resolution without understanding with some specificity what the resolution seeks to recognize where there is broad agreement between the Select Board, Town Departments, and Town Meeting.

ARTICLE 79

RESOLUTION/ENCOURAGEMENT OF ENERGY EFFICIENT AND/OR SUSTAINABLE ENERGY INSTALLATIONS IN HISTORIC DISTRICTS

VOTED: That Town Meeting hereby resolves as follows:

WHEREAS, the urgency of the climate crisis dictates that the Town of Arlington and its residents share responsibility for identifying and implementing means of incorporating renewable and/or clean energy technologies into Arlington homes; and

WHEREAS, consistent with its identity as a “green community,” the Town has set a goal of carbon neutrality by 2050 (“net-zero”); and

WHEREAS, preservation of Arlington’s rich historic architecture is governed by the Arlington Historic Districts Commissions (“AHDC”), which is charged under Massachusetts General Laws Chapter 40C and Town Bylaws, Title VII with reviewing architectural appropriateness of most proposed exterior design changes in historic districts, including solar panels, and certain heat pump and other HVAC system structures are of; and

WHEREAS, Chapter 40C does not permit the Town of Arlington to exempt such structures and alterations from AHDC review;

BE IT THEREFORE RESOLVED, that Town Meeting respectfully encourages the AHDC to afford as much flexibility as possible to applications for solar and other exterior clean energy installations in Arlington Historic District homes and to allow

WHEREAS, following initial overviews of redevelopment projects in the Broadway Corridor area of East Arlington, the Department of Planning and Community Development (“DPCD”) sought analysis and recommendations for guiding planning along the Broadway Corridor; and

WHEREAS, the Massachusetts Institute of Technology’s Department of Urban Studies and Planning engaged with DPCD to develop an in-depth study responsive to such needs in September of 2019; and

WHEREAS, MIT and DCPD engaged the East Arlington Community employing a variety of community outreach methods and holding discussion sessions with stakeholders including Equitable Arlington, Arlington Residents for Responsible Redevelopment, the Housing Corporation of Arlington, the Mystic River Watershed, the Thompson Elementary School Parent-Teacher Organization, as well as a variety of Town committees and departments including the Transportation Advisory Committee, the Tree Committee, and the Recreation Department; and

WHEREAS, MIT published their findings and recommendations in the form of “Building a Better Broadway: Planning Study for the Broadway Corridor, Arlington MA” in February of 2020, focusing on improving mobility, housing, and quality of life along the corridor; and

WHEREAS, Arlington enjoys the benefit of its proximity to a wide variety of colleges, universities, non-profits, and other organizations well-populated with individuals and groups that could creatively build upon the findings of the MIT report by submitting further detailed design proposals; and

WHEREAS, the Town’s many important discussions and debates with respect to zoning proposals, affordable housing, and other Town policies would benefit from consideration of such proposals within specific and comprehensive contexts of conceptual designs;

THEREFORE, Town Meeting resolves to foster and support further planning along the Broadway Corridor by hosting a design competition; which would solicit proposals from area design professionals and others; developing criteria for the competition; and declaring a winner; as well as determining incentives for competing and identifying appropriate partners to administer the competition.

(5 – 0)

COMMENT: The Select Board endorses this resolution to provide creative context for many of Arlington’s most pressing and controversial issues – creation of affordable housing, economic development, improving transportation options and the zoning and other policy matters that intersect with each. In brief, the purpose of the resolution is to encourage the Town to build upon the findings and recommendations of the 2020 MIT “Building a Better Broadway: Planning Study for the Broadway Corridor, Arlington MA” report by inviting design professionals to translate those recommendations into conceptual

become known as Menotomy (from an Algonquian word), have occupied these lands since time immemorial; and

WHEREAS the Town of Arlington, Massachusetts (the “Town”) wishes to honor our nation and town's Indigenous roots, history and contributions; and

WHEREAS the cultures of the Indigenous Peoples of the Americas are worthy of being promoted, their history is rich, diverse, and worthy of celebration; and

WHEREAS the actions and policies of European colonizers of the Americas actively destroyed and suppressed parts of those cultures, and racism has served to perpetuate high rates of poverty for Indigenous Peoples and led to inequities in health, education, and housing, as illustrated most recently with the severe impact of COVID-19 on Indigenous communities; and

WHEREAS the Town has a history of opposing racism, and prominent residents throughout history such as Cyrus Dallin were particularly active in advancing the rights of Indigenous peoples; and

WHEREAS Indigenous Peoples Day was first proposed in Geneva in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS in 1990, representatives from 120 Indigenous nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an occasion to strengthen the process of continental unity and struggle towards liberation, and thereby use the occasion to reveal a more accurate historical record; and

WHEREAS the District of Columbia, States of Alaska, Louisiana, Maine, Michigan, Minnesota, New Mexico, Oregon, South Dakota, Vermont, Wisconsin, and localities including Somerville MA, Cambridge MA, Brookline MA, Newton MA, Marblehead MA, Northampton MA, Amherst MA, Portland ME, Los Angeles CA, San Francisco CA, Denver CO, Portland OR, Seattle WA, Columbus OH and many more have adopted Indigenous Peoples Day as a counter-celebration, in lieu of Columbus Day, to promote Indigenous cultures and commemorate the history of Indigenous Peoples; and

WHEREAS Columbus Day commemorates the landing of Christopher Columbus in the Americas specifically on the Caribbean islands of The Bahamas on October 12, 1492 and, later, on Hispaniola (present-day countries of the Dominican Republic and Haiti); and voyages of Columbus to the Americas initiated the transatlantic slave trade and the era of conquest, and his governorship of the Caribbean instituted systematic policies of slavery and extermination of Indigenous populations, especially the Taino/Arawak people whose population was reduced from approximately 8 million to 100,000, being further reduced by the continuation of his policies until near-extinction in 1542.

NOW, THEREFORE, BE IT RESOLVED that the Arlington Town Meeting joins the Select Board in proclaiming that the second Monday of October shall be commemorated as Indigenous Peoples Day in Arlington, superseding local references to Columbus Day and in recognition of the position of Indigenous Peoples as native to these lands, and the suffering they faced during and since the European conquest;

and be it further **RESOLVED** that the people of Arlington, as well as local businesses, organizations, and public institutions are encouraged to observe Indigenous Peoples Day by reflecting upon the dispossession of the homelands and villages of the Massachusett people of this region who lived here for millennia prior to the arrival of European settlers, and upon the history of the other Indigenous Peoples who have lived in Arlington, and by celebrating the survival of Indigenous Peoples and recognizing their struggle to perpetuate and celebrate their ancestral heritage and practices, as well as celebrating the thriving cultures and values that Indigenous Peoples have brought and continue to bring to our Town and the wider community;

and be it further **RESOLVED** that in any observances, Arlington shall endeavor to include Indigenous representation from amongst its residents and from the Massachusett tribe and will also seek representation from Indigenous organizations in the area such as the North American Indian Center of Boston, United American Indians of New England, Cultural Survival, and IndigenousPeoplesDayMA.org as well as other Arlington community representation from segments of the community; and be it further **RESOLVED** that the Arlington Public Schools are encouraged to join in this observance with appropriate exercises and/or instruction in all schools around the time of Indigenous Peoples Day, to the end that the culture, history and diversity of Indigenous Peoples be celebrated and perpetuated;

and be it further **RESOLVED** that local businesses, organizations, and public institutions are encouraged to evaluate their imagery and insignia, to ensure that representations of Indigenous Peoples are not misappropriated, with a preference for using the Town Seal in official capacities.

(5 – 0)

COMMENT: This Article from the Arlington Human Rights Commission builds upon a January 25, 2020 proclamation and is nearly identical in substance to what the Select Board has already endorsed within its capacity and jurisdiction. While there is some overlap with said previous action, the Board urges Town Meeting’s support for a non-binding Resolution to further promote the celebration of the rich and diverse history and cultures of Indigenous Peoples.

The Board takes care to note that celebrating Indigenous Peoples Day is in no way a repudiation of celebration of Italian-Americans and their forebears. The mythologized Columbus expeditions and cruel governance over Caribbean islands has little to do with Italian-Americans’ enormous contributions to United States history and culture. While it is not an easy matter to navigate ways of celebrating all of the diverse populations in the United States for their unique histories and contributions, the Board is convinced that in light of the injustices suffered by indigenous peoples and the present challenges indigenous persons and communities face, refocusing the holiday in question on the value of the

WHEREAS, Prince Hall founded the first black Freemason Lodge in the United States, “African Lodge No. 1” in 1777 and served as its Grand Master, employing such position as a Freemason to advance civil rights interests of black people throughout the Commonwealth of Massachusetts; and

WHEREAS, of the many rights and privileges Prince Hall endeavored to secure was the rights of black Freemasons prior to obtaining their charter was to “walk on St. John’s Day” – June 24th of each year; and

WHEREAS, twenty years after the founding of the African Lodge No. 1, Prince Hall offered “A Charge Delivered to the African Lodge at Menotomy” on June 24th, 1797, and “Menotomy” being the historic predecessor to the Town of Arlington and portions of the City of Cambridge; and

WHEREAS, in 1864 the Grand Master of the “Prince Hall Freemasons” deeded land on Gardner Street in Arlington for the establishment of the Prince Hall Cemetery for the Prince Hall Grand Lodge of Boston, recognized in part through the historic preservation efforts of the Arlington Historical Society and the Town of Arlington on the National Register of Historic Places;

BE IT THEREFORE RESOLVED, that the Arlington Town Meeting urges and invites the Select Board to declare June 24th “Prince Hall Day” throughout the Town of Arlington, celebrating the life and legacy of this Founding Father and civil rights leader; and

BE IT FURTHER RESOLVED, that the Town of Arlington, Arlington Public Schools, and the broader Arlington Community is encouraged to develop programs and events to inform the public of the life, achievements, and contributions of Prince Hall.

(5 – 0)

COMMENT: The Select Board is unanimous in its support for honoring one of America’s first civil rights leaders and a too often forgotten founding father – Prince Hall by commemorating June 24th each year as “Prince Hall Day” in Arlington. Hall was a contemporary of other celebrated Boston Revolutionary Era luminaries like John Adams, likely fought at the Battle of Bunker Hill, and as early as 1777 began petitioning the Massachusetts Legislature (or “General Court”) for emancipation and education of black Commonwealth citizens.

Prince Hall advocated for civil rights informed by and through freemasonry, similar many other founding fathers. Denied admittance into white Freemason Lodges and other privileges, Prince Hall first secured the ability for black Freemasons to commemorate June 24th – “St. John’s Day” in the customs of masonic lodges of the time. Subsequently, in 1777, he established the first black Freemason lodge, “African Lodge No. 1” in Boston a formal charter granted in 1787, and served as its Grand Master. Ten years later on June 24th, 1797 Prince Hall offered “A Charge Delivered to the African Lodge at Menotomy” in

interim 2030 statewide greenhouse gas emissions limit shall be at least 50 percent below the 1990 level, and the interim 2040 statewide greenhouse gas emissions limit shall be at least 75 percent below the 1990 level.” and

WHEREAS, the Commonwealth of Massachusetts and the Town of Arlington are vulnerable to the effects of climate disruption and have already been subjected to devastating disasters caused by global warming, including increasingly severe Nor’easters, blizzards, droughts, heatwaves, and coastal and inland flooding; and

WHEREAS, the economic costs of weather and climate disasters are immense, as indicated by the National Oceanic and Atmospheric Administration (NOAA) report that in 2020 (as of October 7) there have been 16 U.S. weather/climate disasters with losses exceeding \$1 billion each (tied with 2011 and 2017 for the highest number ever), including fires, hurricanes, droughts, and heatwaves; and

WHEREAS, the marginalized populations in Arlington, the Commonwealth of Massachusetts and worldwide, including people of color, immigrants, indigenous communities, low-income individuals, homeless persons, and people with disabilities, are already disproportionately affected by climate change, and will continue to bear an excess burden as temperatures increase; and

WHEREAS, the Town of Arlington acknowledges the need for climate action through the Select Board’s establishment of Envision Arlington (formerly Vision 2020), the Town’s greenhouse gas inventory, its 2018 commitment to becoming carbon neutral by 2050 through the establishment of the Clean Energy Future Committee, and the drafting of the Net-Zero Planning Roadmap; and

WHEREAS, the National and state governments have acted too slowly to address the climate emergency, so Arlington and other Massachusetts communities are being called to step forward and take bold action now, just as our town has done in history.

THEREFORE, THE ARLINGTON TOWN MEETING HEREBY RESOLVES AS FOLLOWS:

- 1. Declares Emergency. Declares a climate emergency and calls for an immediate urgent mobilization to protect the climate, reducing the pace of warming and slowing down ecological collapse to the maximum extent possible.**
- 2. Tells the Truth. Speaks plainly in high-profile public communications about the climate crisis; and commits to providing a periodic report of our community’s complete annual greenhouse gas emissions, using a reputable accounting protocol.**
- 3. Acts Now. Initiates immediate action wherever possible, in matters within Town authority. Agrees (a) to explicitly consider climate impact in major town decisions to the maximum extent permitted by law, reliably supporting actions that increase climate resiliency while reducing pollution and opposing actions that increase greenhouse gas emissions; and (b) to appoint a community liaison**

with the responsibility of actively working with the media, annual carbon reporting, and constituent communication, to support rapid greenhouse gas reductions.

- 4. Promotes Climate Action in Matters Beyond Town Authority. All Town of Arlington input, influence, and lobbying with state and federal governments and with regional entities responsible for energy and utilities supports rapid greenhouse gas reductions.**
- 5. Promotes Climate Justice. Preserves and protects the rights, well-being, autonomy, and power of people at greatest risk, including people of color, immigrants, climate refugees, indigenous communities, low-income individuals, the very young and very old, homeless persons, and people with disabilities.**

(5 – 0)

COMMENT: The Select Board unanimously urges Town Meeting to adopt this Climate Emergency Resolution to convey and reflect upon the urgency and centrality of the threat of climate change to the Town’s policies and commitments. While the resolution largely speaks for itself, the Board specifically wishes to highlight that the five “action steps” set forth in the resolution build upon the work and goals of the Town’s present Climate & Resiliency Planning and the Town Manager’s “Net Zero Plan,” while also reaffirming our convictions to build climate change into Town decision making within the respective boundaries of duties and authorities of various town bodies and officials. Further, this resolution follows previous efforts such as special legislation seeking to allow the Town to limit installation of fossil fuel infrastructure by urging the Town to continue to vigorously pursue new and additional tools and resources for greenhouse gas emission reductions and elimination. Finally, this resolution recognizes the fundamental role of equity and justice in attacking climate change and its impacts both locally and globally.

The Board also encourages members of Town Meeting to avail themselves of the many resources on this resolution and subject developed and published by “Emergency Arlington” on their website.

APPENDIX ITEMS

ARTICLE 7: MASSACHUSETTS BLASTING INFORMATION

ARTICLE 11: ENVIRONMENTAL PLANNER & TOWN ENGINEERING MEMO RE
STORMWATER & DRAFT REGULATIONS

ARTICLE 25: REAL ESTATE TRANSFER FEE FAQs

ARTICLE 26: CDBG REPORT

ARTICLE 27: REVOLVING FUND DETAILS

ARTICLE 52: PARKING BENEFIT DISTRICT REPORT

ARTICLE 89: “A CHARGE DELIVERED TO THE AFRICAN LODGE AT
MENOTOMY ON JUNE 24, 1797”



STEPHEN W. DECOURCEY, CHAIR
DIANE M. MAHON, VICE CHAIR
JOHN V. HURD
LENARD T. DIGGINS
ERIC D. HELMUTH



Department of Fire Services
Commonwealth of Massachusetts

Facts About Blasting

for Massachusetts Property Owners



www.mass.gov/dfs

Department of Fire Services
Division of Fire Safety

P. O. Box 1025 - State Road
Stow, Massachusetts 01775
978-567-3375 • Fax 978-567-3199

Blasting Facts

- The Institute of Makers of Explosives (IME) reports that in 2012 over 12 million pounds of commercial explosives were sold for use in Massachusetts.
- Explosives are used directly or indirectly in almost every aspect of our lives. Car, trucks, roads, bridges, homes, and office buildings are all built with products that had their origins with explosives. Even baby powder has its origin with explosives!
- Mining and construction are the two most common uses of explosives.

Blasting Regulations

Commercial explosives and the blasting industry are regulated by a number of state and federal agencies. In Massachusetts, 527 CMR 1.00 is the primary regulation that applies to explosives licensing, permitting, storage, sales, use, transportation, and manufacture. 527 CMR 1.00 is administered through the Department of Fire Services, Division of Fire Safety.

Federal agencies that regulate explosives include:

- Alcohol, Tobacco, Firearms and Explosives (ATF) – sales and storage
- Department of Transportation (DOT) – transportation
- Occupational Safety and Health Administration (OSHA) – construction use and handling
- Mining Safety and Health Administration (MSHA) – mining use and handling

Massachusetts Regulations

527 CMR 1.00

Key Parts of the Regulation

Section 1.12.8.39.1 Licenses, Permits, Certificates

- Certificate of Competency
- Explosives Users Certificate
- Use and Handling Permit
- Sale of Explosive Material



Section 65.9.1 Storage

Section 65.9.1 Transportation

Section 65 Use of Explosive Materials (Blasting)

- Blast Analysis
- Blast Design Plan
- Allowable Limits of Effects of Blasting
- Preblast Inspection Surveys
- Blasting Damage Complaint

Section 65.9.15.1.8 - 65.9.15.1.10 Pre/Post Blast Inspection Waiver

Section 65.9.18 Blasting Regulatory Review Form (FP-296)

Important parts of 527 CMR 1.00 for the homeowner to be aware of:

Section 65.9.8 Blast Analysis

A document from the blasting company considering the effects of blasting on adjacent properties.

Section 65.9.8.3 Blast Design Plan

The blast design plan describes the design of the initial blasts and all the necessary safety precautions that will be taken.

Massachusetts Regulations (continued)

Section 65.9.15 Preblast Inspection Surveys

When blasting takes place within 250 feet of a property not owned or controlled by the project, a free survey must be offered to the property owner.

NFPA 495, 2013 Edition Warnings

The blaster must sound warnings when ready to fire a blast.

NFPA 495, 2013 Edition, Chapter 11 Allowable Limits of Effects of Blasting

Limits that are set for vibration and noise that result from a blast. 527 CMR 1.00 Section 65.9.14.4 contains the requirements for the use of a seismograph.

Section 65.9.18 Blasting Regulatory Review

If a property owner thinks that damage occurred as a result of blasting, they should file a regulatory review form with the fire department within 30 days of the blasting.

A Few Things To Remember



If a blasting project is planned near your property, take a close look at your home or business. You may be surprised at how many cracks in walls, floors, and ceilings already exist just from seasonal changes in humidity, age, and normal wear and tear. Most property owners don't notice these cracks until after blasting has started and mistake them for blasting damage.

The limits set for blasting noise and vibration are conservative and are below the threshold of where damage is known to occur.

The limits set in 527 CMR 1.00 are the result of years of study and research by universities and the Federal Government. The United States Bureau of Mines (USBM) RI 8507 Report is the primary source for establishing noise and vibration damage levels.

Who Do You Contact?

In Massachusetts there are two places to go for blasting help.

Local fire departments issue a *Permit to Blast*. The permit is issued only if all the correct planning has taken place and all other conditions of 527 CMR 1.00 have been met.

Through the Department of Fire Services, the Division of Fire Safety issues *Blasting Certificates of Competency* and *Explosives Users Certificates* to blasters and blasting companies. Local fire departments will not issue a blasting permit without these documents. The certificates document that the blaster is competent to conduct blasting operations, and that his company has shown evidence of both bonding and the required insurance.

Other Blasting Information

How is blasting noise and vibration measured?

A seismograph is used to measure blasting noise and vibration. Seismographs are set up next to the closest structure to the blast site. The machines record the ground vibration and noise generated by the blast. The information is used to determine if the blast has exceeded limits set in the regulations.

Does the blaster keep records?

The blaster is required to keep detailed records of each blast. The records contain the size, time, and location of the blast, the amount of explosives used, and the results of the seismograph monitoring.

Will you hear or feel the blast?

You may hear or feel a blast depending on your distance from the blasting site. Humans are sensitive to noise and sound. What you feel does not necessarily mean that damage is occurring. Let the blasting company know if you are being startled or if you have other concerns about what is taking place.

What if I am sure that blasting damage has occurred?

If you feel that damage has occurred to your property, fill out a *Blasting Regulatory Review Form*. The form (FP-296) is available from the local fire department (and on the DFS website under *Fire Prevention Forms*), and must be submitted to the local fire department within 30 days of the blasting incident. The blasting company will then be required to submit records to the fire department for the blasts in question. The records will be reviewed by both the fire department and the Division of Fire Safety for any violations of the regulations. The blasting company, or its insurance company, is also required to respond to the claimant and to investigate the claim.

What precautions can be taken before blasting starts?

If you are offered a preblast survey, accept the offer. The survey is an inventory of existing conditions of the property. It is also an opportunity for the property owner to ask questions and the blasting company to educate citizens. If you have any concerns or questions, raise them during the preblast survey. The blasting company should be ready and willing to answer questions and address concerns.

Useful Numbers

Department of Fire Services - Stow Headquarters

P. O. Box 1025 – State Road, Stow, MA 01775

(978) 567-3100

www.mass.gov/dfs



Department of Fire Services - Springfield Campus

P. O. Box 51025 - 100 Grochmal Avenue

Springfield, MA 01151-1055

(978) 567-3100, Fax (978) 567-3819

Division of Fire Safety

Main Telephone: (978) 567-3375, Fax: (978) 567-3199

- Code Compliance & Enforcement Unit - Stow
Telephone: (978) 567-3375, Fax: (978) 567-3199
- Code Compliance & Enforcement Unit - Springfield
Telephone: (978) 567-3813, Fax: (978) 567-3819

Contact your local fire department at:



www.mass.gov/dfs

Division of Fire Safety

P. O. Box 1025 - State Road
Stow, Massachusetts 01775
978-567-3375 • Fax 978-567-3199

DRAFT
ARLINGTON STORMWATER MANAGEMENT RULES & REGULATIONS
Effective Date: xx/xx/xxx
Revised: N/A

SECTION 1: AUTHORITY

- A. The Rules and Regulations contained herein are in effect in accordance with Article 15 of the Town of Arlington Stormwater Management Bylaw (hereinafter called Article 15).
- B. Nothing in these Rules and Regulations is intended to replace or be in derogation of the requirements of the Town of Arlington Wetlands Protection Bylaw, the Town of Arlington Floodplain District Section 5.7 of the Zoning Bylaw, Arlington Inland Wetland District Section 5.8 of the Zoning Bylaw, or any other Bylaw adopted by the Town of Arlington or any Rules and Regulations adopted thereunder. Any project or activity subject to the provisions of the above-cited Bylaws or Rules and Regulations must comply with the specifications of each. In case of conflict, the more stringent provisions shall apply.
- C. These Rules and Regulations may be periodically amended by the Engineering Division in accordance with the procedures outlined in Article 15.
- D. The Engineering Division may make revisions to the fee schedule presented in Appendix B periodically upon the approval of the Director of Public Works and the Town Manager, and in accordance with Article 15.
- E. Waivers. The Engineering Division may waive strict compliance with any of the requirements of Article 15 or the Rules and Regulations promulgated hereunder, if it finds that:
 - 1. Application of some of the requirements is unnecessary or impracticable because of the size or character of the development project or because of the natural conditions at the site;
 - 2. The project is consistent with the purposes and intent of Article 15, and;
 - 3. The project provides substantially the same level of protection to the public health, safety, environment, and general welfare of the Town as required by Article 15.

Any Applicant for a waiver must submit a written request for such a waiver to the Engineering Division. Such a request shall be accompanied by an explanation or documentation supporting the waiver request. The Engineering Division shall provide a written response to any such waiver request within ten (10) business days of receipt of the request. Should the Engineering Division require additional time or information to review a waiver request, a notice shall be provided to the Applicant in writing informing them of the delay and additional information, if any, required. In the event the Applicant fails to provide requested information, the waiver request shall be denied. Applicants may appeal a rejected waiver to the Director of Public Works, who shall provide a written response to any such waiver request within ten (10) business days of receipt of the request. Approval of a waiver from the requirements of Article 15 by the Engineering Division or the Director of Public Works does not constitute a release of the Applicant's responsibility to adhere to the rules and regulations of other permitting authorities.

SECTION 2: PURPOSE

- A. The purpose of these regulations is to protect, maintain and enhance the public health, safety, environment, and general welfare by establishing minimum requirements and procedures to control the adverse effects of soil erosion and sedimentation, construction and post-development stormwater runoff, decreased groundwater recharge, climate change impacts, and nonpoint

source pollution associated with new development, redevelopment and other land alterations, as more specifically addressed in Article 15.

SECTION 3: DEFINITIONS

- A. All definitions are provided in Article 15 or Appendix A of the Town of Arlington Stormwater Management Rules and Regulations.

SECTION 4: APPLICABILITY

These Rules and Regulations apply to all projects or activities subject to the Applicability section of Article 15. Projects and/or activities subject to Article 15 must obtain a Stormwater Management Permit (SMP) from the Engineering Division or its Designee in accordance with the permit procedures and requirements defined in Sections 5 through 9 and Appendix B of these Rules and Regulations.

No work on a project meeting or exceeding threshold requirements under the jurisdiction of Article 15 may commence without written approval of the Engineering Division or its Designee confirming that the project or activity is in compliance with the Design Standards of these Regulations. If work commences without approval, enforcement action and/or fines may be pursued.

A. Exempt Projects - No Permit Required

Notwithstanding Section 4.B, no permit shall be required by the Engineering Division or its Designee for:

1. Normal maintenance and improvement of land in agricultural use as defined by the Wetlands Protection Act regulation 310 CMR 10.04 and G.L.C. 40A, § 3.
2. Any work or projects for which all necessary approvals and permits, including building permits, have been issued before the effective date of these Rules and Regulations.
3. Projects creating less than 350 square feet of new impervious cover and disturbing less than one acre of land.
4. Repairing, repaving, or replacing an existing driveway or parking area. See Section 4.C.2. of this section for expansion regulations.
5. Repair or replacement of an existing roof.
6. Normal maintenance of existing lawn, landscaping, or garden areas.
7. Construction of any fence that will not alter existing terrain or drainage patterns.
8. Construction of utilities (gas, water, sanitary sewer, electric, telephone, cable television, etc.) other than drainage that will not permanently alter the site.
9. The maintenance or surfacing of any unpaved public or private way.
10. Such other projects as the Engineering Division or its Designee may find, at its discretion, to meet the standards for a waiver, provided that erosion control measures such as those listed in the most recent versions of the Massachusetts Stormwater Management Standards and Technical Handbooks and the Massachusetts Erosion and Sediment Control Guidelines for Urban and Suburban Areas are used appropriately and the project or activity will not result in

an increased amount of stormwater runoff or pollutants flowing from a parcel of land and entering a traveled way or adjacent properties.

- B.** All projects or activities not falling under an exception listed in Section 4.A shall require a Stormwater Management Permit in accordance with Sections 4.C to 4.E. The installation of porous pavers shall not negate the need for a stormwater mitigation review
- C.** Projects or activities that require a Minor Stormwater Management Permit:
 - 1. Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet up to 1,000 square feet, except for work that requires a building permit (see Section 4.D. below).
 - 2. The expansion of a driveway or parking area with a resultant increase in impervious area between 350 and 1,000 square feet.
- D.** Projects or activities that require a Major Stormwater Management Permit:
 - 1. Any project or activity effectuating an alteration, disturbance, development, or redevelopment of land that increases impervious area and is ineligible for a Minor Stormwater Management Permit requires a Major Stormwater Management Permit.
 - 2. Any land alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 1,000 square feet or more and/or disturbs one acre of land or more.
 - 3. Any alteration, disturbance, development, or redevelopment that results in an increase in impervious area of 350 square feet or greater and requires a building permit from Inspectional Services.
- E.** An Emergency Stormwater Permit (ESP) may be issued in cases where a delay or failure to perform work poses an imminent danger to public health or safety. The Engineering Division or their Designee may, at their sole discretion, issue an ESP. Any person to whom an ESP is issued shall submit the materials described in Sections 5 through 9 and Appendix B of these Rules and Regulations as soon as practical thereafter for review and ratification.

SECTION 5: DESIGN STANDARDS

A. Minor Stormwater Management Permits (mSMPs)

At a minimum all projects subject to a Minor Stormwater Management Permit shall be designed to the following standards:

- 1. Stormwater management systems requiring minor stormwater permits shall be designed to meet the minimum storage requirements presented in the following table.

Increase in Impervious Area (s.f.)	Minimum Storage Required (gal.)
350 to 450	440
451 to 550	540
551 to 650	640

Increase in Impervious Area (s.f.)	Minimum Storage Required (gal.)
651 to 750	730
751 to 850	830
851 to 950	930
950 to 999	980

2. All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) BMPs listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their impact on overall site climate change resilience, improvements to water quality, and ability to handle water quantity.
3. All projects must include sufficient sediment and erosion controls throughout the duration of the project. Sediment and erosion controls shall meet the requirements of the most recent versions of the Massachusetts Stormwater Management Standards and Technical Handbooks and the Massachusetts Runoff, Erosion and Sediment Control Field Guide.

B. Major Stormwater Management Permits (MSMPs)

At a minimum all projects subject to a Major Stormwater Management Permit shall comply with the performance standards of the most recent version of the Massachusetts Stormwater Management Standards and Technical Handbooks, and these Rules and Regulations, with the following differences from the Handbook noted:

1. Stormwater management systems requiring major stormwater permits shall be designed to:
 - a) Retain the volume of runoff equivalent to, or greater than, 1.0 inch multiplied by the total post-construction impervious surface area on the redeveloped site, including any directly connected impervious area draining onto the redeveloped site; and
 - b) Remove 90% of the average annual load of Total Suspended Solids generated from the impervious area on the site; and
 - c) Remove 60% of the average annual load of Total Phosphorus (TP) generated from the total area on the site;¹ and
 - d) Maintain or reduce peak flows from the project area for the 2-, 10-, 25-, and 100-year, 24-hour frequency events.
2. Stormwater management systems designed on commercial and industrial land use area draining to Alewife Brook or the Charles River shall incorporate designs that allow for shutdown and containment where appropriate to isolate the system in the event of an emergency spill.
3. Redevelopment activities that are exclusively limited to maintenance and improvement of existing roadways shall improve existing conditions unless infeasible and are exempt from Section 5.B.2. Such activities include the following:

- a. Roadway widening by less than a single lane width;
 - b. Adding shoulders to roadways;
 - c. Correcting substandard intersections;
 - d. Improving existing intersections; and
 - e. Repaving projects.
 - f. Roadway widening or improvements that increase the amount of impervious area by greater than or equal to a single lane width shall meet the requirements of Section 5.B.2.
4. The rainfall amounts used for design and analysis shall be based on the NOAA Atlas 14+ Volume 10 Point Precipitation Frequency Estimates for Arlington.
 5. All projects must consider and, unless infeasible, propose and implement Low Impact Development (LID) Best Management Practices listed in the Massachusetts Stormwater Handbook. Applicants shall demonstrate compliance with design standards for LID BMPs through generally accepted methods. LID BMPs should be considered for their impact on overall site climate change resilience, improvements to water quality, and ability to handle water quantity.
 6. All projects must include sufficient sediment and erosion controls throughout the duration of the project.

SECTION 6: ADMINISTRATION

A. Administration of Rules and Regulations

The Engineering Division shall administer, implement, and enforce these Rules and Regulations, except as otherwise noted. The Engineering Division may designate in writing any authorized Town employee, board, or agent for the purposes of reviewing stormwater submittals and issuing stormwater management permits.

The Applicant shall submit all Stormwater Management Permit Application submittals in compliance with these Rules and Regulations to the Engineering Division.

The Engineering Division will review the submittal for administrative completeness and compliance with the requirements and standards of these Rules and Regulations. If the proposed project is administratively complete and complies with these Rules and Regulations, the Engineering Division may grant a Stormwater Management Permit, in addition to any other approval or permit for which they are authorized. The Engineering Division or its Designee shall have authority to enforce Article 15 and these Rules and Regulations. The Engineering Division or its designee may reject an Application if it is not administratively complete.

B. Right of Entry

Filing an Application for a permit grants the Engineering Division or its Designee permission to enter a project site from the time of Application until a Stormwater Certificate of Compliance is issued as necessary to verify the information in the Application and to inspect the site for compliance with the resulting permit.

C. Minor Stormwater Management Permit Approval Process

1. The Engineering Division or its Designee shall review the permit Application within ten (10) business days of receipt.
2. The Engineering Division or its Designee shall provide a written response to the Applicant within the review period indicating one of the following:
 - (1) Disapprove the Application for being incomplete and require the submission of additional information and/or deny the Permit;
 - (2) Approve the Permit Application;
 - (3) Approve the Permit Application with conditions, modifications, and/or restrictions that are required to ensure that the project will protect water resources and meet the objectives and requirements of Article 15;
 - (4) Deny the Permit Application due to non-compliance with Design Standards or insufficient information to make a determination;
 - (5) Determine that a Minor Stormwater Management Permit is inappropriate and require the submission of a Major Stormwater Management Permit.
3. If a Minor Stormwater Management Permit Application is denied, the Applicant may choose to take one of the following actions:
 - (1) Make required changes to the Application and resubmit to the Engineering Division. The Application shall be treated as a new submittal upon receipt, and the Engineering Division shall complete the review in accordance with the requirements of Section 6.C.
 - (2) Appeal the determination to the Director of Public Works.
 - (3) Request a waiver from the Engineering Division as detailed in Section 1, provided the Design Standards cannot be met due to site conditions or the Applicant wishes to propose an alternative design not consistent with the Design Standards.

D. Major Stormwater Management Permit Approval Process

1. The Engineering Division or its Designee shall review the permit Application within fifteen (15) business days of receipt.
2. The Engineering Division or its Designee shall provide a written response to the Applicant within the review period indicating one of the following:
 - (1) Disapprove the Application for being incomplete and require the submission of additional information and/or deny the Permit.
 - (2) Approve the Permit Application;
 - (3) Approve the Permit Application with conditions (see Standard Conditions, Appendix C), modifications, and/or restrictions that are required to ensure that the project will protect water resources and meets the objectives and requirements of Article 15;
 - (4) Deny the Permit Application due to non-compliance with Design Standards or insufficient information to make a determination.

3. If a Major Stormwater Management Permit Application is denied, the Applicant may choose to take one of the following actions:

- (1) Make required changes to the Application and resubmit to the Engineering Division. The Application shall be treated as a new submittal upon receipt, and the Engineering Division shall complete the review in accordance with the requirements of Section 6.D.
- (2) Appeal the determination to the Director of Public Works.
- (3) Request a waiver from the Engineering Division as detailed in Section 1, provided the Design Standards cannot be met due to site conditions or the Applicant wishes to propose an alternative design not consistent with the Design Standards.

E. Coordinating with Other Permitting Authorities, Jurisdictions, and Regulations

Should a project require a Minor or Major Stormwater Management Permit and also be located within the jurisdiction of another permitting authority such as the Conservation Commission, the Redevelopment Board, the Inspectional Services Department, the Zoning Board of Appeals, or another authority, the Applicant shall obtain approval of the Minor or Major Stormwater Management Permit in addition to the issuance of a permit from the other required permitting authority. Should changes be required to stormwater management per the permit conditions issued by another permitting authority, the Engineering Division will not require additional Stormwater Management Permit review and approval, provided the changes to the design and conditions are at least as stringent, if not more so, than those contained in the original Stormwater Management Permit, unless so requested by the other permitting authority. Any such changes shall be reflected in an As-Built Plan to be provided to both the Engineering Division and the other permitting authority at the completion of the project.

F. Deadline for Action

Failure of the Engineering Division or its designee to take final action upon a Stormwater Management Permit within ten (10) business days of the receipt of a Minor Stormwater Management Application and within fifteen (15) business days of the determination of receipt of a Major Stormwater Management Application shall be deemed to be approval of said Application, unless extension of the deadline date is requested in writing by the Engineering Division prior to the applicable deadline date.

If desired, Applicants shall submit a written Appeal for a Stormwater Management Permit Application that has been denied to the Director of Public Works within thirty (30) business days of the original date of submission of the Stormwater Management Permit Application. The Director of Public Works shall issue a decision within fifteen (15) business days of receipt of the Appeal, unless an extension has been mutually agreed upon in writing by the Applicant and the Director of Public Works.

G. Plan Changes

The Applicant or their legal designee must notify the Engineering Division or its Designee, in writing, of any drainage change or alteration in the system authorized in a Stormwater Management Permit before any change or alteration is made. If the Engineering Division or its Designee determines that the change or alteration is significant, based on the Design Standards in Section 5 and accepted construction practices, the Engineering Division or its designee may require that an amended Application be filed.

H. Appeals of Actions of the Engineering Division

A final decision by the Engineering Division made under these Rules and Regulations shall be reviewable in a court of competent jurisdiction by an action filed within sixty (60) days thereof, in accordance with M.G.L. Ch. 249. § 4. An appeal of an action by a board, commission, or department that has concurrent regulatory authority for a project and/or activity shall be conducted under the applicable appeal provisions of said board, commission, and/or department of the Town of Arlington. An appeal shall result in suspension of any Permit so appealed as described in these Regulations, until such time as the appeal process of the applicable board, commission, and/or department has been resolved.

I. Project Delay

If the project associated with an approved Stormwater Management Permit granted under Article 15 has not been completed within three (3) years of permit issuance, the Permit shall expire. At the request of the Applicant, the Engineering Division may extend the Permit or require the Applicant to apply for a new permit. Any request for extension shall be submitted to the Engineering Division in writing no later than 30 days prior to the expiration of the Stormwater Management Permit. The Engineering Division may require updates to the project to comply with current regulations and standards as a condition of the permit extension.

J. Project Completion

A Stormwater Management Certificate of Completion (SMCC) is required for completion of Stormwater Management Permits as further detailed in Section 9. The Engineering Division will issue a SMCC upon review and approval of the required documents and/or upon otherwise determining that all work of the permit has been satisfactorily completed in conformance with Article 15.

SECTION 7: SITE MEETINGS

A. Construction Commencement

1. Pre-Construction Meeting: The Engineering Division or its Designee may require a pre-construction meeting prior to starting clearing, excavation, construction, or land-disturbing activity by the Applicant. The Applicant's technical representative, the general contractor, or any other person with authority to make changes to the project shall meet with the Engineering Division or its representative to review construction sequencing and the permitted plans and their implementation.
2. Notice of Construction Commencement: The Applicant must notify the Engineering Division two (2) days prior to the commencement of construction. In addition, the Applicant must notify the Engineering Division two (2) days prior to construction of critical components of any stormwater management structural Best Management Practices (BMPs).
3. The Engineering Division may require the submission of periodic inspections and reporting by the Applicant as dictated by site conditions.
4. A copy of the approved and signed plans and permits for a SMP shall be kept on the construction site at all times.

B. Construction Observations

1. Upon issuance of any Stormwater Management Permit, and until issuance of a SMCC, the Engineering Division shall be granted the right to enter the property per Section 6.B. at reasonable times and in a reasonable manner for the purpose of observation.
2. The Engineering Division shall require the Applicant or its Designee to schedule the following observations by the Engineering Division and its Designee, at a minimum:
 - a) Stormwater Management System Bottom Excavation Observation: An observation may be made of the bottom of excavation for the stormwater management system to ensure adequate separation of the stormwater system from groundwater and to confirm the presence of approved soil type.
 - b) Stormwater Management System Installation Observation: An observation may be made of the completed stormwater management system, prior to backfilling of any underground drainage or stormwater conveyance structures.
- C. The Engineering Division shall be provided with a minimum of 24-hours notice prior to the desired observation time. The Engineering Division shall not be responsible for any project delays related to the Applicant's failure to provide the Engineering Division with appropriate notice.
- D. Should the Applicant neglect to schedule the required observations, the Engineering Division may find the Applicant in violation of the Permit Conditions and require any work completed while in violation to be removed so that the appropriate observations can be completed.
- E. The Engineering Division may waive in-person construction observations in favor of the Applicant providing construction photos adequately showing the conditions that would be witnessed during an observation. The decision to waive an observation is at the sole discretion of the Engineering Division and such decision shall be requested by the Applicant prior to the start of excavation.
- F. Notes indicating the required observations are to be added to the Site Plan(s).

SECTION 8: RECORDKEEPING AND REPORTING REQUIREMENTS

- A. Annual inspection and maintenance reports shall be submitted to the Engineering Division by June 1st annually. Inspection reports for stormwater management systems shall include:
 1. The date of inspection.
 2. Name of inspector.
 3. The condition of each BMP, including components such as:
 - a) Pretreatment practices or devices.
 - b) Vegetation or filter media.
 - c) Spillways, valves, or other control structures.
 - d) Embankments and slopes.
 - e) Inlet and outlet channels and structures.
 - f) Underground drainage structures.

- g) Sediment and debris accumulation in storage and forebay areas (including catch basins).
 - h) Any nonstructural practices.
 - i) Any other item that could affect the proper function of the stormwater management system.
- 4. Description of the need for maintenance.
 - 5. Observations of any physical changes to system in comparison with the approved as-built plan.
- B. The owner(s) of the stormwater management systems shall notify the subsequent owner(s) of the system(s) location, maintenance requirements, and reporting requirements.

SECTION 9: STORMWATER MANAGEMENT CERTIFICATE OF COMPLETION (SMCC)

A. Stormwater Management Certificate of Completion for Minor Stormwater Management Permit

- 1. The Applicant or their designee shall submit the following in order to obtain a SMCC for a Minor Stormwater Management Permit:
 - a. As-Built Site Plan/Sketch, signed and dated by the Applicant, Contractor, or other Designee, showing at a minimum the location of, dimensions of, and swing-ties to the installed stormwater management system and associated observation ports, as well as all newly installed impervious areas and the corresponding as-built increase in impervious area;
 - b. Statement of Compliance, signed and dated by the Applicant, Contractor, or other Designee, stating that the stormwater management system and impervious areas were constructed in accordance with the approved design package and meet the requirements set forth in Article 15.
 - c. Written Request for a SMCC.
- 2. After receipt of the Request for a SMCC and prior to the issuance of a SMCC, the Engineering Division may inspect the stormwater management system to confirm its features. If the installed conditions are found to differ from the approved Minor Stormwater Management Permit and/or the As-Built Plan/Sketch, the Engineering Division shall have the right to require corrections or improvements to the as-built system before issuing a SMCC.
- 3. It is the responsibility of the Applicant to request, in writing, the issuance of a SMCC from the Engineering Division upon completion of the work approved under a Stormwater Management Permit. An Applicant who fails to request a SMCC prior to the expiration of the SMP may be found in noncompliance with Article 15, and face applicable fines for each day of noncompliance.

B. Stormwater Management Certificate of Completion for Major Stormwater Management Permit

- 1. The Applicant or their designee shall submit the following in order to obtain a SMCC for a Major Stormwater Management Permit:

- a. As-Built Site Plan, stamped, signed and dated by a Professional Engineer or Land Surveyor licensed in Massachusetts, produced to scale, showing at a minimum the location of, dimensions of, and swing-ties to the installed stormwater management system and associated observation ports, as well as all impervious areas (buildings, patios, walks, driveways, sheds, etc.) present on the site and the corresponding increase in impervious area;
 - b. Statement of Compliance, stamped, signed and dated by the Design Engineer, stating that the stormwater management system and impervious areas were constructed in accordance with the approved design package and meet the requirements set forth in Article 15.
 - c. Written request for a SMCC.
2. After receipt of the Request for a SMCC and prior to the issuance of a SMCC, the Engineering Division may inspect the stormwater management system to confirm its features. If the installed conditions are found to differ from the approved Major Stormwater Management Permit and/or the As-Built Plan, the Engineering Division shall have the right to require corrections or improvements to the as-built system before issuing a SMCC. Further, a system will be deemed inadequate if issues including, but not limited to, errors in the infiltrative capability, the maximum groundwater elevation, failure to properly define or construct flow paths, or erosive discharges are found. If the system is found to be inadequate by virtue of physical evidence of operational failure, even though it was built as called for in the Stormwater Management Permit, the Engineering Division shall also have the right to require corrections or improvements to the as-built system before issuing a SMCC.
 3. It is the responsibility of the Applicant to request, in writing, the issuance of a SMCC from the Engineering Division upon completion of the work approved under a Stormwater Management Permit. An Applicant who fails to request a SMCC prior to the expiration of the SMP may be found in noncompliance with Article 15, and face applicable fines for everyday of noncompliance.

SECTION 10: ENFORCEMENT

The Engineering Division or its Designee may enforce Article 15, Rules and Regulations, orders, permits, violation notices, and enforcement orders, and may pursue all civil and criminal remedies for such violations.

- A. Civil relief: If a person violates the provisions of Article 15, these Rules and Regulations or any associated rules and regulations, permit, notice, or order issued there under, the Engineering Division or its Designee may seek injunctive relief in a court of competent jurisdiction restraining the person.
- B. Orders: If the Engineering Division or its Designee determines that a person has failed to follow the requirements of Article 15, these Rules or Regulations or any other regulatory provision issued hereunder, or any authorization issued pursuant to Article 15 or these Rules and Regulations then the Engineering Division may issue a written order to the person to remediate the adverse impact, which may include requirements to:
 1. Cease and desist from land-disturbing activity until there is compliance with the Article 15 or these Rules and Regulations or provisions of an approved Stormwater Management Permit;
 2. Maintain, install or perform additional erosion and sedimentation control measures;
 3. Perform monitoring, analyses, and reporting;

4. Remediate erosion and sedimentation resulting directly or indirectly from land-disturbing activity;
 5. Comply with requirements of the Stormwater Management Permit for operation and maintenance of stormwater management systems;
 6. Remediate adverse impacts resulting directly or indirectly from malfunction of the stormwater management systems; and/or
 7. Eliminate discharges, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- C. If the Engineering Division or its Designee determines that abatement or remediation of pollutants is required, it may issue an order setting forth a deadline for completion of the abatement or remediation. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator or property owner. Within thirty (30) days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Engineering Division within thirty (30) days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within thirty (30) days following a decision of the Engineering Division affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the cost shall become a special assessment against the property owner of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in G.L. c.59, § 57 after the 30th day on which the costs first become due.
- D. Criminal and Civil Penalties: Any person who violates any provision of the Stormwater Management Bylaw, these Rules and Regulations, or the terms or conditions in any permit or order prescribed or issued there under, may be subject to a fine not to exceed \$200 for each day such violation occurs or continues or subject to a civil penalty, which may be assessed in an action brought on behalf of the Town in any court of competent jurisdiction.
- E. Noncriminal Disposition: As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in M.G.L. c.40, § 21D and § 1-6B of the Town of Arlington General Bylaws, in which case any police officer of the Town of Arlington, the Town Engineer, and such other persons as are authorized by the Engineering Division shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$200. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.
- F. Entry To Perform Duties Under This Bylaw: To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Engineering Division, its agents, officers, and employees may enter upon privately owned property for the purpose of performing their duties under Article 15 and these Rules and Regulations and may make or cause to be made such examinations, surveys, or sampling as the Engineering Division deems reasonably necessary.
- G. Appeals: The decisions or orders of the Engineering Division or its Designee shall be final unless appealed to the Director of Public Works successfully. Further relief shall be available only in a court of competent jurisdiction.

H. Remedies Not Exclusive: The remedies listed in Article 15 and these Rules and Regulations are not exclusive of any other remedies available under any applicable federal, state, or local law.

SECTION 13: SEVERABILITY

The invalidity of any section, provision, paragraph, sentence, or clause of these Rules and Regulations shall not invalidate any other section, provision, paragraph, sentence, or clause thereof, nor shall it invalidate any permit or determination that previously has been issued.

END OF ARLINGTON STORMWATER MANAGEMENT BYLAW RULES AND REGULATIONS

DRAFT

APPENDIX A: DEFINITIONS

The following definitions supplement those included in the Town of Arlington Stormwater Management Bylaw (Article 15)

1. ABUTTER

For the purpose of Arlington Article 15 and these Rules and Regulations, an abutter is any property owner whose property physically abuts the property upon which work is being proposed.

2. ALTER

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:

- A. Fill, removal or excavation of soil, sand, gravel or aggregate of any kind;
- B. Changing of pre-existing drainage characteristics, sedimentation patterns, flow patterns, and flood storage retention areas;
- C. The dumping, discharging, or filling with any material which could degrade water quality;
- D. Driving of pilings, erection of buildings or structures of any kind;
- E. Removal, addition, or relocation of an impervious surface of any kind;
- F. Placing of any object or obstruction, whether or not it interferes with the flow of water;
- G. Destruction, extensive trimming, or removal of natural or planted plant life, vegetation, or trees.

3. APPLICANT

A property owner or agent of a property owner who has filed an Application for a Stormwater Management Permit.

4. BEST MANAGEMENT PRACTICE (BMP)

Schedules of activities, practices (and prohibitions of practices), structures, vegetation, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plan site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

5. BUILDING FOOTPRINT

The outline of the total area covered by a building's perimeter at the ground level.

6. CLIMATE CHANGE

Change in the state of the earth's climate that can be identified by statistical changes of its properties that persist for an extended period, typically decades or longer, whether due to natural variability or as a result of human activity. Climate change impacts can adversely impact stormwater runoff and stormwater management.

7. CONSTRUCTION WASTE

Waste that may come into contact with stormwater on construction sites, including but not limited to discarded building materials, concrete truck wash out, chemicals, litter, and sanitary wastes.

8. CONVEYANCE

A. Any structure or device, including pipes, drains, culverts, curb breaks, paved swales or man-made swales of all types designed or utilized to move or direct stormwater runoff or existing water flow.

B. Any impervious surface, including pavement, where surface/sheet flow is utilized to convey rainfall.

9. DEVELOPMENT

The modification of land to accommodate a new use or expansion of use, usually involving construction.

10. ARLINGTON DRAINAGE AND STORMWATER DESIGN STANDARDS

The Drainage and Stormwater Design Standards promulgated by the Department of Public Works of the Town of Arlington.

11. DISTURBANCE

See "ALTER".

12. EMERGENCY STORMWATER PERMIT (ESP)

An Emergency Stormwater Permit may be issued in cases where a delay or failure to perform work poses an imminent danger to public health or safety.

13. EROSION CONTROL

The prevention or reduction of the movement of soil particles or rock fragments.

14. EROSION CONTROL PLAN

A plan that shows the location and construction detail(s) of the erosion and sediment reduction controls to be utilized for a construction site.

15. EXISTING LAWN

Grass area which has been maintained and mowed in the previous two years.

16. FILL

The placement or deposit of any material that raises, either temporarily or permanently, the elevation of any area subject to Article 15.

17. FLOODING

A local and temporary inundation or a rise in the surface of a body of water, such that it covers land not usually under water.

18. GRADING

Changing the level or shape of the ground surface.

19. GROUNDWATER

All water beneath any land surface including water in the soil and bedrock beneath water bodies.

20. HOODED CATCH BASIN

A catch basin that is fitted with an inverted elbow over its outlet pipe or similar structure that is designed to retain oils and other floatables within the catch basin sump and prevent them from flowing into the drainage system.

21. INFEASIBLE

Not technologically possible, or not economically practicable and achievable in light of best industry practices.

22. IMPERVIOUS SURFACE

A hard-surfaced, human-made area that does not readily absorb or retain water, preventing the infiltration of storm water runoff; including but not limited to building roofs, parking and driveway areas, sidewalks, paved recreation areas, structural additions, accessory structures, roads, pools, and play areas.

23. LAND ALTERATION

Any activity that causes a change in the position or location of soil, sand, rock, gravel, or similar earth material; results in an increased amount of runoff or pollutants; measurably changes the ability of a ground surface to absorb waters; involves clearing and grading; or results in an alteration of drainage characteristics.

24. LOW-IMPACT DEVELOPMENT (LID)

Systems or practices that use or mimic natural processes that result in the infiltration, evapotranspiration, or use of stormwater in order to protect water quality and the associated aquatic habitat.

25. NEW DEVELOPMENT

Any construction or land disturbance of a parcel of land that is currently in a natural vegetated state and does not contain alteration by activities.

26. NORMAL MAINTENANCE OF LAWN/YARD

Maintenance of existing developed or landscaped yards or structures that do not result in any net loss of native vegetation or permanently alter the soil surface other than for planting of vegetation. Examples include but are not limited to: trimming of branches and shrubs, pruning (but not removing) trees (can prune up to 20% of canopy), and removal of invasive species.

27. OWNER

A person with a legal or equitable interest in a property.

28. PERSON

Any individual, group of individuals, association, partnership, corporation, company, business organization, trust, estate, the Commonwealth or political subdivision thereof to the extent subject to Town Bylaws, administrative agency, public or quasi-public corporation or body, the Town of Arlington, and any other legal entity, its legal representatives, agents, or assigns.

29. PERVIOUS MATERIAL

Soil Types that are listed as Class I, II and III soils as defined in 310 CMR 15.243 and 15.244 based upon the general soil classification used by the U.S. Department of Agriculture and depicted in the Soil Textural Triangle. Decking shall also be considered a pervious material provided one of the aforementioned soil types is located below the decking. "Pervious pavers", "pervious asphalt", and other similar materials will only be considered pervious if a suitable design for the system as a whole is submitted to and approved by the Engineering Division. Otherwise these materials will be considered impervious.

30. POINT SOURCE

Any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, or container from which pollutants are or may be discharged.

31. PREDEVELOPMENT

The status of a property at the time prior to request for a permit for new construction or increase to the impervious surface area of a lot.

32. REDEVELOPMENT

Any construction or land disturbance of a parcel of land that does not meet the definition of new development above.

33. RESOURCE AREA

Any area protected under including without limitation: the Massachusetts Wetlands Protection Act, Massachusetts Rivers Act, or Town of Arlington Wetlands Protection Bylaw.

34. RUNOFF

Rainfall, snowmelt, or irrigation water flowing over the ground surface or directed through a pipe or culvert.

35. RUNOFF RATE

The speed and volume of stormwater which flows over the surface of the land.

36. SEDIMENTATION

A process of depositing material that has been suspended and transported in water.

37. SLOPE

The incline of a ground surface expressed as a ratio of horizontal distance to vertical distance (e.g. a 4:1 slope). It can also be expressed as a percentage of the vertical rise divided by the horizontal distance (e.g. a twenty-five (25) percent slope).

38. STORMWATER

Runoff from precipitation or snow melt and surface water runoff and drainage.

39. STORMWATER MANAGEMENT CERTIFICATE OF COMPLETION (SMCC)

A document issued by the Engineering Division after all construction activities have been completed which states that all conditions of an issued Stormwater Management Permit (SMP) have been met and that a project has been completed in compliance with the conditions set forth in a SMP.

DRAFT

APPENDIX B: APPLICATION PROCEDURES FOR STORMWATER MANAGEMENT PERMITS

Applications for a Stormwater Management Permit (SMP) shall include the materials as specified in this section.

- A. Fees: The Engineering Division or its designee shall obtain with each submission an Application fee to be collected at the time of Application according to the Fee Schedule. After-the-fact Applications shall submit fees at triple the rate set in the Fee Schedule.

PERMIT TYPE	FEE
Minor Stormwater Management Permit	\$100
Major Stormwater Management Permit	\$200

- B. Signature: The Applicant must sign the Application.

C. Minor Permit Submission Requirements

One (1) hard copy of the original Minor Stormwater Management Permit Application, including all applicable submittal items, shall be submitted to the Engineering Division. An electronic copy (pdf) of all Minor Stormwater Management Permits and applicable submittal items shall also be submitted to the Engineering Division by email to engineering@town.arlington.ma.us. The submitted applications shall adhere to the following requirements:

1. One (1) completed Minor Stormwater Management Permit Application Form with the following:
 - a) Name, contact information, and original signatures of owner(s), Applicant(s), and, if applicable, representative.
 - b) Address of property as well as assessor map and parcel ID.
 - c) Project description.
 - d) Site plan reference(s).
 - e) Operation and Maintenance (O&M) Plan.
2. Payment of the Application and review fees.
3. A Stormwater Management Site Plan that may be prepared by drafting or hand sketching. Required elements, depending on site-specific conditions, might at the discretion of the Engineering Division, include:
 - a) General Information
 - (1) Title.
 - (2) Date.
 - (3) Name and address of record owner and if applicable the name, address, and telephone number of the engineer or surveyor.

- (4) When prepared by a professional, plans shall be stamped by a Registered Professional Engineer, Professional Land Surveyor, or other recognized professional acceptable to the Engineering Division.

(b) Existing Conditions

- (1) The site's existing topography with approximate contours at 2 foot intervals for the work area.
- (2) Locations of existing buildings, driveways, walls, etc.
- (3) Locations of soil tests including test pits, borings, groundwater determinations, and percolation tests with the soil logs and percolation testing results, and/or other soil testing procedures, when available

(c) Proposed Conditions

- (1) Proposed grading plan for work area.
- (2) Proposed improvements including location of structures, impervious surfaces, utilities, and easements, if applicable.
- (3) Locations of all erosion and sedimentation control measures and BMPs.
- (4) Construction details for all erosion and sedimentation controls proposed to be utilized.
- (5) For engineered systems designed to provide drainage or stormwater management including, but not limited to, culverts, drainage outfalls, catch basins and pervious pavement provide an appropriate plan detail, along with an Operation and Maintenance plan required to maintain the design element.

4. Any other information requested by the Engineering Division.

D. Major Permit Submission Requirements

One (1) hard copy of the original Major Stormwater Management Permit Application, including all applicable submittal items, shall be submitted to the Engineering Division. An electronic copy (pdf) of all Major Stormwater Management Permits and applicable submittal items shall also be submitted to the Engineering Division by email to engineering@town.arlington.ma.us. The submitted applications shall adhere to the following requirements.

1. One (1) completed Major Stormwater Management Permit Application Form with the following:
 - a) Name and contact information, of owner(s), Applicant(s), and, if applicable, representative.
 - b) Address of property as well as assessor map and parcel ID.
 - c) A brief project description.
 - d) Site plan reference(s).
 - e) Operation and Maintenance (O&M) Plan.

2. Payment of the Application and review fees.
3. A Project Narrative that includes a description of the proposed project and a description of how and where stormwater will be controlled and erosion and sedimentation controls implemented, and an explanation of why the Applicant believes the plans:
 - a) Meet the Design Standards enumerated in Section 5;
 - b) Employ, to the maximum extent practicable, environmentally sensitive site design as outlined in the most recent edition of the Massachusetts Stormwater Handbook;
 - c) Attempt to reproduce natural hydrologic conditions with respect to groundwater and surface water²;
 - d) Include square footage summaries indicating square footage of limit of work as well as existing, proposed and net changes in impervious surface areas.
4. A Stormwater Management Site Plan prepared as follows:
 - a) General Information:
 - (1) Sheet size: Sheets shall have a maximum dimension of 24" x 36" and a minimum dimension of 11" x 17".
 - (2) Scale: Not more than 1" = 50'. If project sites are large, an overall site plan at 1" = 100' is acceptable, but detailed plans must be at or less than 1" = 50'. Include graphical scales on all plans. Coordinate system shall be 1983 North American Datum, Massachusetts State Plane, feet, and North American Vertical Datum (NAVD) of 1988.
 - (3) Title Block: A title block shall be included on all plans, located at the lower right hand corner, oriented to be read from the bottom when bound at the left margin. Include:
 - (a) Plan title.
 - (b) Original date plus additional space to reference the title and dates of all plan revisions.
 - (c) Name and address of record owner and engineer and/or surveyor.
 - (d) Address of property, Assessor Map and Parcel ID.
 - (4) Legend: Include legend identifying line types and symbols used in plan set
 - (5) Locus Map.
 - b) An Existing Conditions Plan containing the following:
 - 1) Property lines.
 - 2) The existing zoning, and land use at the site and abutting properties.
 - 3) The location(s) of existing easements.
 - 4) The location of existing utilities (water, sewer, natural gas, etc.).

² Guidance on these practices is provided in Appendix C of these Regulations and the MA Stormwater Management Handbook.

- 5) Existing contours at 2-foot minimum vertical increments. Spot grades for proposed conditions are required when 2-foot contour intervals do not provide sufficient detail to show stormwater flow path and /or more specific detail is needed to demonstrate stormwater flow path.
 - 6) Existing landscaping and vegetation including all existing trees within 25 feet of the work area that are over 6 inches in diameter breast height (dbh) and major vegetative cover types, including wooded areas defined by tree line drip line, shrub communities, limits of lawn, and edge of tree canopy.
 - 7) Locations of existing structures, pipes, swales and detention ponds.
 - 8) Locations of bodies of water, including wetlands.
 - 9) A delineation of FEMA Special Flood Hazard areas and calculation of FEMA flood elevation, if applicable. Floodplain elevation data shall be based on 1988 NAVD (North American Vertical Datum) and reference the appropriate National Flood Insurance Rate Map and/or Flood Study.
 - 10) Delineation of other relevant areas of concern, including but not limited to wetlands, Wetlands Buffers, Riverfront Areas, Endangered Species Habitat, and Natural Heritage and Endangered Species Program (NHESP) Vernal Pools.
 - 11) Location of existing septic systems and private wells, if present.
 - 12) The location(s) of soil tests and description of soil from test pits performed at the location of proposed stormwater management facilities, including but not limited to soil description, depth to seasonal high groundwater, depth to bedrock, and percolation rates. Soils information shall be based on site test pits logged by a Massachusetts Title 5 Soil Evaluator.
 - 13) The existing vegetation and ground surfaces with runoff coefficients for each.
 - 14) Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts or Professional Land Surveyor (PLS).
4. A Proposed Conditions Plan containing the following:
- a) Property lines, building envelope restrictions and/or easement areas, including areas affected by conservation restrictions, if applicable.
 - b) Proposed improvements including location of buildings or other structures, utilities, easements, etc., if applicable, and impervious surfaces. For single family homes plans shall show, at a minimum, house footprint, decks, garages, sheds, sewage disposal systems, roof drainage and stormwater drainage structures, as applicable, and all areas of existing and proposed impervious areas including tennis courts, patios, driveways, etc.
 - c) FEMA Special Flood Hazard areas, if applicable.
 - d) Proposed erosion controls and materials to be used (i.e. straw bales, silt fence and straw wattles, compost filter mitts, etc.) must be indicated on the plan. In projects anticipated to encounter or manage groundwater, provide dewatering contingency plans, details and location(s). Hay bales may not be used as these have been found to introduce invasive species.

- e) Limit of work.
 - f) Proposed grading for work area. Proposed contours at 2-foot minimum vertical increments. Spot grades for proposed conditions are required when 2-foot contour intervals do not provide sufficient detail to show stormwater flow path and /or more specific detail is needed to demonstrate stormwater flow path.
 - g) Locations for storage of materials, equipment, soil, snow and other potential pollutants.
 - h) Location(s) and description of existing stormwater conveyances, impoundments, wetlands, drinking water resource areas, or other critical environmental resource areas on or adjacent to the site or into which stormwater flows.
 - i) Proposed drainage facilities (plan view and details) including drawings of all components of the proposed stormwater management system including:
 - (1) Locations, cross sections, and profiles of all brooks, streams, drainage swales and their method of stabilization.
 - (2) All measures for the detention, retention or infiltration of water.
 - (3) All measures for the protection of water quality.
 - (4) For engineered systems designed to provide drainage or stormwater management including, but not limited to, culverts, drainage outfalls, catch basins and pervious pavement 'systems'; provide an appropriate plan detail with notes on drawings specifying materials to be used, and construction specifications.
 - (5) Notes indicating the required inspections for the site and the stormwater drainage facilities during construction.
 - i) Proposed landscaping, vegetation and ground surfaces with runoff coefficients for each. Proposed tree removal/plantings and landscaping activities shall be completed in accordance with the requirements of the Department of Public Works and/ or the Conservation Commission as applicable.
 - k) Locations where stormwater discharges to surface water (include all roads, drains and other structures that could carry stormwater to a wetland or other water body, on or offsite).
 - l) A general construction note that states the Engineering Division shall be notified prior to work in accordance with project permits.
 - m) Stamp and signature of a Professional Engineer (PE) licensed in the Commonwealth of Massachusetts to certify that the Stormwater Management Plan is in accordance with the criteria established in the Stormwater Regulations; a stamp and signature of a Professional Land Surveyor (PLS) is acceptable if no drainage facilities are proposed and they have the experience and capability to prepare the required Site Plan and to provide the required existing and proposed grading and erosion control provisions.
5. A Stormwater Management Plan Report shall be prepared in conformance with the Design Standards contained in Section 5 and contain the following elements:
- a) Description of the existing site hydrology.

- b) A drainage area map showing pre- and post-construction watershed boundaries, drainage area and stormwater time of concentration (Tc) flow paths, including drainage system flows.
 - c) Hydrologic and hydraulic design calculations for the pre-development and post-development conditions for the design storms specified in this Regulation. Such calculations shall include:
 - (1) Description of the design storm frequency, intensity and duration.
 - (2) Time of concentration.
 - (3) Soil Runoff Curve Number (CN) based on land use and soil hydrologic group.
 - (4) Peak runoff rates and total runoff volumes for each watershed area.
 - (5) Information on construction measures used to maintain the infiltration capacity of the soil where any kind of infiltration is proposed.
 - (6) Infiltration rates, where applicable.
 - (7) Culvert capacities.
 - (8) Flow velocities.
 - (9) Data on the increase in rate and volume of runoff for the specified design storms.
 - (10) Documentation of sources for all computation methods and field test results.
 - l) If a project requires a Stormwater Pollution Prevention Plan (SWPPP) per the NPDES General Permit for Storm Water Discharges from Construction Activities (applicable to construction sites that disturb one or more acres of land), then the Applicant is required to submit a complete copy of the SWPPP (including the signed Notice of Intent and approval letter) as part of its Application for a SMP.
7. Post Construction Operation and Maintenance Plan (O&M)
- a) The Post-Construction O&M Plan shall be included that shall be designed to ensure compliance with the Permit, Article 15 and these Rules and Regulations and that the Massachusetts Surface Water Quality Standards, 314, CMR 4.00 are met in all seasons and throughout the life of the system. The O&M Plan shall be a stand-alone document, and shall remain on file with the Engineering Division and shall be an ongoing requirement. The O&M Plan shall apply to the entire project site, not just the disturbance area.
 - b) The Post-Construction O&M Plan shall include, at a minimum:
 - (1) The name(s) of the owner(s) for all components of the system and emergency contact information.
 - (2) The signature(s) of the owner(s).
 - (3) The names and addresses of the person(s) currently responsible for O&M. If O&M responsibility is contracted to a third party; a copy of the maintenance agreement(s) must be provided. If the responsible party is not the owner of the property where the

BMP is located then a copy of the legal instrument that establishes the terms of and legal responsibility for the O&M of the project site BMPs as well as a plan and easement deed that allows site access for the legal entity to operate and maintain BMP functions must be included.

- (4) An Inspection and Maintenance Schedule for all stormwater management facilities including routine and non-routine maintenance tasks to be performed.
- (5) A reduced size plan or map clearly showing the location of the systems and facilities including easements, catch basins, manholes/access lids, main, and stormwater devices.
- (6) If applicable, a list of easements necessary for the construction and O&M of the stormwater system, with the purpose and location of each. Easements shall be recorded with the Middlesex South County Registry of Deeds prior to issuance of a Stormwater Management Certificate of Compliance by the Engineering Division.
- (7) Estimated annual O&M budget.
- (8) O&M inspection schedule and log form.
- (9) The final O&M Plan shall be signed by the property owner and shall be provided at the time of sale/property transfer to any subsequent property owners to ensure that the transfer of responsibilities is understood by future owners.
- (10) Provisions for the Engineering Division or its designee to enter the property at reasonable times and in a reasonable manner for the purpose of inspection.

APPENDIX C: STANDARD CONDITIONS FOR STORMWATER MANAGEMENT PERMITS

Failure to comply with all conditions stated herein, and with all related statutes and other regulatory measures, shall be deemed cause to revoke or modify this Permit.

1. This Permit does not grant any property rights or any exclusive privileges; it does not authorize any injury to private property or invasion of private rights.
2. This Permit does not relieve the Applicant or any other person of the necessity of complying with all other applicable federal, state or local statutes, ordinances, by-laws or regulations.
3. The work authorized hereunder shall be completed within three years from the date of this Permit unless the time for completion has been extended to a specified date more than three years, but less than five years, from the date of issuance and both that date and the special circumstances warranting the extended time period are set forth in this Permit.
4. This Permit may be extended by the issuing authority for one or more periods of up to three years each upon Application to the issuing authority at least 30 days prior to the expiration date of the Permit.
5. No work shall be undertaken until all appeal periods from this Permit have elapsed or, if such an appeal has been filed, until all proceedings before the Court have been completed.
6. A copy of the Approved Permit shall be kept on-site at all times during construction. All contractors and subcontractors engaged during construction shall be provided with a copy of this Permit and all supporting documents before commencing work.
7. The Applicant shall provide the Engineering Division a forty-eight (48) hour notice, in writing, before starting any work authorized or required by this Permit.
8. Prior to the start of work, the Applicant shall install erosion and sedimentation controls in accordance with approved design.
9. After installation of erosion and sedimentation controls, but prior to the conduct of any other site work authorized or required by this Permit, the Applicant shall contact the Engineering Division to determine if a pre-construction meeting will be required. Should a pre-construction meeting be required, the Applicant, and the person and/or contractor engaged to install the stormwater management system shall be present to insure that all aspects of the Permit are fully understood, particularly the necessity to install the system in accordance with the approved design details. The Applicant is required to schedule two observation visits (the bottom excavation observation and system installation observation). The Engineering Division or its Designee has the authority to schedule additional observations if needed (e.g. erosion control observation and final as-built observation).
10. Accepted engineering and construction industry standards of workmanship, materials, and procedures shall be followed to the completion of the project in a proper, substantial, and workman-like manner. Engineering and construction shall be provided in a manner consistent with the level of care and skill ordinarily exercised by those providing services under similar circumstances, and all work must abide by all current Federal, State, and Local regulations and codes regarding engineering and construction.
11. In the event of any spill of hazardous materials (including gasoline, fuel oils, lubricants and hydraulic fluids), the Arlington Fire Department (781-316-3800), the DEP's Spill Response Unit (617-556-1133), the Arlington Board of Health (781-316-3170), the Arlington Conservation Commission Office (781-316-3012), and the Arlington Engineering Division (781-316-3320) shall be contacted immediately.

12. The Contractor shall clean up at least daily, all refuse, rubbish, scrap and surplus materials, debris, and unneeded construction equipment resulting from the construction operations. The site of the work and the adjacent areas shall be kept in a neat and orderly condition. Sediments that might be deposited on streets adjacent to the site shall be swept up daily.
13. Any fill used in connection with this project shall be clean fill, containing no trash, refuse, rubbish or debris, including but not limited to lumber, bricks, plaster, wire, lath, paper, cardboard, pipe, tires, ashes, refrigerators, motor vehicles or parts of any of the foregoing.
14. All loam to be used in the landscaped areas of the site shall be from sources certified to be free from weed seeds, especially those of invasive species.
15. All excavated earth material not used during the course of this project and all construction waste and debris shall be removed from the site and disposed of in accordance with applicable regulations. No construction waste or debris may be discharged to the drainage system.
16. The Applicant shall immediately control any erosion problems that occur on-site, and shall notify the Engineering Division of said problems. If any erosion problems occur it may become necessary to install additional erosion and sedimentation controls in association with this project.
17. Following completion of work, the Applicant shall request, in writing, that a Stormwater Management Certificate of Completion be issued. The request shall state that stormwater management system has been satisfactorily installed and the site has been adequately stabilized.
18. After completion of construction, fertilizers utilized for landscaping and/or lawn care shall be organic in nature and of the low phosphorus content variety.
19. The owners of the project and their successors in title, in the event they proceed to alter areas subject to the Engineering Division's jurisdiction under this Permit, agree that the Town of Arlington shall have no responsibility to maintain the proposed drainage system and that said Town shall not be liable for any damages in the event of failure. By acceptance of this Permit, the owners indemnify and hold harmless the Town of Arlington and its residents for any damages attributable to alterations undertaken on this property pursuant to this Permit. Issuance of this Permit does not in any way imply or certify that the site or downstream areas will not be subject to flooding, storm damage, or any other form of water damage.

Article 25 - Frequently Asked Questions about Real Estate Transfer Fees

What is a real estate transfer fee?

A real estate transfer fee (RETF) is a fee assessed on the transfer of title of real property. As proposed, the RETF is a one-time fee assessed at the time of transfer and is deposited into the Arlington Affordable Housing Trust Fund (AAHTF), adopted by the November 2020 Special Town Meeting. The Housing Plan Implementation Committee (HPIC) has proposed a RETF to create a sustainable, continuous, and dedicated revenue source for support the AAHTF.

What does Article 25 authorize?

Article 25 simply authorizes the submission of a Home Rule petition to the Legislature. Because there is no local option for Massachusetts cities and towns to adopt a real estate transfer fee, the Town must request authorization from the Legislature. Should Article 25 be approved by Town Meeting, Town staff and the HPIC members will work with Arlington's legislative delegation to file the Home Rule petition in the proper format for consideration by the Massachusetts State Legislature during the current two-year legislative session. Should the Legislature approve the Home Rule Petition, a local bylaw would have to be developed, adopted by Town Meeting, and ultimately approved by the Arlington voters via a ballot question.

How much is the fee and who sets it?

Article 25 seeks authorization of a range of 0.05% to 2.0% on the purchase price. Because assessing this type of fee requires a Home Rule petition, the HPIC believe that requesting authorization of a range will give the Select Board the most flexibility in setting the fee.

Is payment of the fee the responsibility of the buyer or the seller?

Article 25 seeks authorization to assess the fee on either the buyer, the seller, or allocated between both parties. It is written in this fashion to give the most flexibility to the Town when developing the bylaw should the Legislature approve the Home Rule petition.

Are there any exemptions?

There are a number of exemptions included in the Home Rule petition. Primarily, the fee is not assessed on transfers that are equal to or less than the statewide median single-family home price, which in 2020 was \$445,500. Other exemptions include: transfers between family members when the consideration paid is less than \$100; transfers between the federal government, the Commonwealth, the Town of Arlington, and the Arlington Housing Authority; transfers of deed restricted affordable housing; transfers to correct previous transfers; transfers in instances of foreclosure and divorce; among others. The Home Rule petition allows additional exemptions to be developed by local bylaw, but does not authorize the elimination of any exemptions identified in the Home Rule petition.

How much revenue could be raised?

The amount of revenue that could be raised is based on the fee and the threshold. The HPIC prepared the following chart to present the revenue that could be captured at different transaction thresholds and percentages based on the 2020 median statewide sale price (\$445,500), the 2020 median Arlington sale price (\$860,000), and transaction of one million dollars:

Transaction Threshold	Total Value in Sales in 2020	0.05%	0.5%	1.0%	2.0%
Greater than or equal to \$445,500	\$453,341,983	\$226,671	\$2,266,710	\$4,533,420	\$9,066,840
Greater than or equal to \$860,000	\$265,484,487	\$132,742	\$1,327,422	\$2,654,845	\$5,309,690
Greater than or equal to \$1,000,000	\$162,009,056	\$81,005	\$810,045	\$1,620,091	\$3,240,181

What is the relationship with the AAHTF Action Plan?

The AAHTF Board of Trustees will undertake a public process this year to set their action plan once those trustees are appointed by the Select Board. With that public process, it is anticipated that the Board of Trustees would identify preliminary recommendations to the Select Board on the fee percentage, the responsible party or both, and further

Article 25 - Frequently Asked Questions about Real Estate Transfer Fees

exemptions. Should the Legislature approve the Home Rule petition, these recommendations will be the first step in developing a local bylaw that would have to be adopted by Town Meeting and ultimately approved in a local ballot. Additionally, in the development of the action plan, the Board of Trustees will consider other sources of revenue for the AAHTF as appropriate.

Where does the revenue from the fee go?

The home rule petition requires that the revenue raised through the real estate transfer fee would be deposited into the AAHTF. The Trust Fund's accounts are segregated from the Town's general fund. The Arlington Treasurer/Collector is the custodian of the funds, with whom the Board of Trustees are required to work with. The Trustees also work with the Arlington Comptroller. The books and records of the Trust are required to be audited annually by an independent auditor in accordance with accepted accounting practices and are available to the public. All funds, property and other assets will be accounted for by the Comptroller who shall issue quarterly reports to the Trustees, Select Board, Town Manager, and the Finance Committee, and in an annual report to the Town Meeting.

What if someone does not pay the fee?

The Home Rule petition allows the Town to use existing methods for collection and liening of any outstanding transfer fee payable to the Town.

What else would the Home Rule petition authorize?

The Home Rule petition provides the Town with the ability to, via bylaw, adopt additional requirements, exemptions, waivers, and regulations to implement or enforce the real estate transfer fee. The allowance to create a waiver process ensures that the special circumstances of any transaction might be considered by the Town, and the fee waived or reduced in some fashion.

Have other jurisdictions adopted a real estate transfer fee?

As of 2019, RETFs were assessed by 38 states, numerous counties, and jurisdictions, and the District of Columbia. A number of communities in the greater Boston area have submitted or plan to submit Home Rule petitions to establish a RETF for affordable housing, including Boston, Concord, Brookline, Somerville, Nantucket, and Provincetown. Additionally, the islands of Nantucket and Martha's Vineyard, have sought and received state legislative approval to impose an additional 2% transfer fee on the sale of real estate for the purpose of conserving/preserving open space from development.

Is there an effort to pass Local Option legislation?

Yes, the Real Estate Transfer Fee Coalition, an advocacy group consisting of organizations and community leaders from across the Commonwealth, came together to draft transfer fee consensus legislation. The Coalition worked with legislators in both the House and the Senate to file the Consensus Bill in both chambers this legislative session. [HD.1911](#) and [SD.565](#) were filed to create a local option allowing municipalities to establish a real estate transfer fee. The Home Rule petition is aligned with the local option legislation.

Where I can I learn more?

- The Arlington Housing Production Plan and Housing Plan Implementation Committee: <https://www.arlingtonma.gov/town-governance/boards-and-committees/housing-plan-implementation-committee>
- Real Estate Transfer Fee Coalition: <https://www.realestatetransferfee.org/>

TOWN OF ARLINGTON



Report to Annual Town Meeting 2021 Article 26 Endorsement of CDBG Application

We are pleased to submit the Community Development Block Grant (CDBG) application for Program Year 47 (July 1, 2021 through June 30, 2022). Applications were due on January 15, 2021 and reviewed at the January 25, 2021 Select Board meeting. The CDBG Subcommittee met on February 17, 2021, February 24, 2021, and March 10, 2021 to review the applications and develop the following budget for the use of CDBG funds. This report describes each of the requests and the recommended budget allocations.

The Town of Arlington expects to receive **\$1,090,533** in new grant funds from the U.S. Department of Housing and Urban Development (HUD) for the period July 1, 2021 through June 30, 2022. This is a decrease of **\$31,070** from the current year's allocation. The Town anticipates new program income approximated to be in the amount of \$60,000 and reprogrammed prior year's CDBG funds in the amount of \$49,982 that will increase the final amount available to be programmed to Program Year 47 CDBG activities. Please refer to the attached spreadsheet for further details. The following proposed allocations would expend a total anticipated amount of **\$1,200,515**. Additional funds will be programmed during the next quarter of 2021.

The following is a summary of the requests for funds and the corresponding recommended allocations. Each request has been placed into one of six categories: *Affordable Housing, Economic Development, Public Services, Public Facilities, Infrastructure and Parks, Planning, and Administration.*

Projects/activities must meet one of the following HUD National Objectives:

Low/Moderate Income Area Benefit (LMA): the project/activity meets the needs of persons residing in an area where at least 33.67% of the residents make a low or moderate income.

Low/Moderate Income Clientele (LMC): the activity benefits a group of persons (rather than residents in a particular area) 51% of whom make a low- or moderate-income. The following groups are presumed to make a low- to moderate-income: abused children, battered spouses, elderly persons, and adults meeting the U.S. Bureau of Census' Current Population Reports definition of "severely disabled," homeless persons, illiterate adults and persons living with AIDS.

Low/Moderate Housing (LMH): the project will provide or improve permanent residential structures which, upon completion, will be occupied by households that make a low- to moderate-income. This includes but is not limited to acquisition or rehabilitation. Housing can be either owner or renter-occupied units in one-

family or multi-family structures.

Slum or Blighted Area (SBA): the project is in a designated slum/blighted area as defined under State or local law and will address conditions that qualified the area as slum or blighted.

Spot Blight (SBS): the project will prevent or eliminate specific conditions of blight or physical decay outside a slum area. Activities are limited to clearance, historic preservation, rehabilitation of buildings, but only to the extent necessary to eliminate conditions detrimental to public health and safety.

CDBG Subcommittee

Adam Chapdelaine, Town Manager

John Hurd, Select Board Chair

Sarah Lee, Resident

Diane Mahon, Select Board Member

Christopher Potter, Resident

Jennifer Raitt, Director of Planning and Community Development

Antonette Sacco, Resident

Mallory Sullivan, CDBG Administrator

**Community Development Block Grant
Annual Action Plan
July 1, 2021- June 30, 2022**

AFFORDABLE HOUSING

Affordable Housing Capital Improvements, Caritas Communities: This request for \$220,860 would be for improvements to enhance the safety, accessibility, functionality, and longevity of two Caritas Communities properties at 22 Fessenden Road and 12 Russell Terrace. This program is expected to benefit 35 individuals and complies with the national objective LMH. Funding is recommended at \$220,860.

Affordable Housing Predevelopment Reports and Surveys, Housing Corporation of Arlington (HCA): This request for \$50,000 would be used to fund predevelopment costs including environmental reports and investigations, title review, land survey and examination of floodplain issues in order to support HCA in making informed decisions regarding potential development of affordable housing. This project is expected to benefit 36 households and complies with the national objective LMH. Funding is recommended at \$50,000.

ECONOMIC DEVELOPMENT

Technical Assistance Program, Town of Arlington/Department of Planning & Community Development: This request for \$50,000 would enable the Town to continue efforts to make education and training available to Arlington small businesses with a purpose of increasing business resiliency to changes in the economy, technology, and commerce. The program will provide local businesses with individualized and group training. This program is expected to benefit ten (10) Arlington businesses and create or retain at least one (1) low- to moderate-income job. This program complies with national objective LMC. Funding is recommended at \$50,000.

Small Business Recovery Grant Program, Town of Arlington/Department of Planning & Community Development: This request for \$300,000 will enable the Town to continue to provide working capital grants to small businesses with twenty or fewer employees and a brick-and-mortar location currently or formerly (prior to the pandemic) patronized by customers in-person. It is expected to assist 25 small businesses and to retain or create six (6) low- to moderate-income jobs. This activity meets the national objective LMJ. Funding is recommended at \$300,000.

PUBLIC SERVICES

Scholarship Program, Arlington Boys & Girls Club: This request for \$25,000 would provide scholarships to income-eligible households who participate in Boys & Girls Club activities. The program provides financial assistance to households with limited resources for such activities as after school care, summer camp, instructional classes, and preschool. Each recipient is also required to share in the cost of the program, based on their ability to pay. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$19,000.

Jobs, Jobs, Jobs Program, Arlington Boys & Girls Club: This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at the club and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit seven (7) individuals and complies with national objective LMC. Funding is recommended at \$4,000.

Athletic Scholarships, Arlington High School: This request for \$8,000 would provide athletic scholarships for Arlington High School students. The funds would be used for income-eligible students who cannot afford to pay the annual activity fee for various athletic programs offered. This project is expected to benefit 50 individuals and complies with national objective LMC. Funding is recommended at \$3,800.

Operation Success Learning Center, Arlington Housing Authority: This request for \$6,000 would pay for the operating costs of a homework support program for junior high school students living in Menotomy Manor, an Arlington Housing Authority property. Trained volunteers and active and retired teachers from the community provide homework tutoring. This project is expected to benefit 30 individuals and complies with national objective LMC. Funding is recommended at \$6,000.

Mental Health Counseling and Support Services, Arlington Youth Counseling Center (AYCC): This request for \$20,000 would subsidize the costs of counseling services to income-eligible households including free and reduced-fee mental health counseling and medication treatment, case management services for vulnerable Arlington residents, and therapeutic groups and support services for victims and survivors of domestic violence. The CDBG allocation defrays the cost of out-of-pocket expenses that are not covered by a client's insurance or is used for children and families that are without support or cannot afford the fee scale. This project is expected to benefit 120 individuals and complies with national objective LMC. Funding is recommended at \$19,000.

Adult Day Health Services, Council on Aging: This request for \$6,000 would provide scholarships for elderly to utilize the Adult Day Health Services, through the Cooperative Elder Services, Inc. The program provides a safe and therapeutic adult day care service, meals and other social programs at a very low cost for those who, due to physical and/or psychological limitations, cannot be left alone at home. This project is expected to benefit 20 individuals and complies with national objective LMC. Funding is recommended at \$6,000.

Transportation Program, Council on Aging: This request for \$31,540 would fund the transportation services that are offered to Arlington seniors. The transportation program brings seniors to medical appointments and local stores, helping seniors remain independent and active in the community. This project is expected to benefit 500 individuals and complies with national objective LMC. Funding is recommended at \$31,540.

Volunteer Coordinator, Council on Aging: This request for \$52,922 would fund the position of Volunteer Coordinator. The coordinator supervises and coordinates volunteers and manages the van and transportation program and is essential to the Council on Aging's mission to engage senior citizens in community participation. The funds received would be used for the base salary of the staff person

plus all fringe benefits. This project is expected to benefit 5000 individuals (through a network of 300 volunteers) and complies with national objective LMC. Funding is recommended at \$52,922.

Jobs, Jobs, Jobs Program, Fidelity House: This request for \$5,000 would fund a summer employment program for income-eligible youth in grades nine, ten, and eleven. Funding would pay for the teens to be employed as recreation assistants at Fidelity House and would provide service to other income-qualified youth. The program provides teens the opportunity to learn job skills, including skills in childcare, and recreation leadership skills. This project is expected to benefit five (5) individuals and complies with national objective LMC. Funding is recommended at \$4,000.

Menotomy Manor Outreach Program, Fidelity House: This request for \$20,000 would help to defray the cost of programs that Fidelity House manages for the low-income families of Menotomy Manor. This program, created to directly address the developmental needs of Arlington's low-income youth, includes transportation to and from Fidelity House, memberships, participation in all youth programs, on-site programming, and camp memberships for summer day camp. The program's goal is to continue to provide a quality program for 6- to 18-year-olds. This project is expected to benefit 100 individuals and complies with national objective LMC. Funding is recommended at \$20,000.

Program Scholarships, Recreation Department: This request for \$13,000 would provide scholarships for activities offered by the Recreation Department. The program provides income-eligible households an opportunity to participate in recreation programs by providing financial assistance to offset the cost of program fees. This project is expected to benefit 100 individuals and complies with national objective LMC. Funding is recommended at \$11,700.

Outreach and Stabilization Program, Somerville Homeless Coalition: This request for \$38,201 would increase access to critical resources for the unsheltered population in Arlington. The ultimate goal of the Outreach and Stabilization Program is to identify and secure housing and transition homeless clients to suitable living environments that are affordable and linked with ongoing tenancy stabilization services. This project is expected to benefit 35 individuals and complies with national objective LMC. This activity is fully funded in the Town Manager's FY22 Annual Budget. Accordingly, CDBG funding would be duplicative and thus is not recommended for this project.

PUBLIC FACILITIES AND IMPROVEMENTS

Capital Funding, Food Link, Inc.: This request for \$46,667 would fund the purchase and installation of a generator and air filtration system for the generator at Food Link's new hub, located at 108 Summer Street. The addition of a generator will ensure continuity of services to clientele facing food insecurity in the event of an extended power outage due or other community-wide event. This project is expected to benefit 6,500 individuals and complies with national objective LMC. Funding is recommended at \$46,667.

ADA Compliance Program-Curb Cuts Ramp Project, Arlington Commission on Disability: This request for \$125,000 would construct and reconstruct ADA-compliant sidewalk ramps for the purpose of improving access and pedestrian safety for the elderly and disabled. 54 curb cuts would be installed

utilizing these funds. This activity complies with national objective LMA. Funding is recommended at \$125,000.

PLANNING

Planners, Department of Planning and Community Development: This request for \$52,335 will fund a portion of the salary and fringe benefits of Department staff working on CDBG-related activities. Duties and responsibilities involve data gathering and analysis, survey creation and implementation, land use planning and zoning activities, affordable housing studies and implementation. All positions serve under the Director of Planning and Community Development. Funding includes salary plus fringe benefits, which are reimbursed to the Town. This activity is exempt from meeting a national objective. Funding is recommended at \$52,335.

Planning Studies, Department of Planning and Community Development: This request for \$79,700 will fund activities to help in the creation and preservation of affordable housing and minimize displacement. These activities will include a nexus study to inform future amendments to the inclusionary zoning bylaw; anti-displacement strategies; studying the needs of extremely low-income and underhoused individuals and families to inform future funding applications and allocation of resources; study senior non-housing needs to maximize resources and services that enable seniors to continue living in the community, and coordinate with other non-housing services to support aging in community; identify resources to preserve homes that are on track to lose affordability due to expiring deed restrictions; and other activities which advance affordable housing planning. This activity is exempt from meeting a national objective. Funding is recommended at \$79,700.

Annual Town Survey, Envision Arlington: This request for \$2,200 would continue the annual town Census Insert Survey. Data collected from this survey informs policy-setting for the town and other planning activities. This activity is exempt from meeting a national objective. Funding is recommended at \$2,200.

ADMINISTRATION

Community Development Block Grant Administrator, Department of Planning and Community Development: This request for \$78,291 would fund the salary and fringe benefits of the CDBG Administrator position. This staff person is responsible for the daily financial administration of the CDBG program and coordination of grant activities with program directors. The Administrator is also responsible for maintaining all records and completing the reporting requirements of the CDBG program as required by HUD. This activity is exempt from meeting a national objective. Funding is recommended at \$78,291.

General Administration, Department of Planning and Community Development: This request for \$17,500 would fund administrative costs related to overall program development, management, coordination, monitoring, and evaluation. This line item also includes funding legal advertising and training and travel costs for the Administrator. This activity is exempt from meeting a national objective. Funding is recommended at \$17,500.

**TOWN OF ARLINGTON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CDBG Funding Recommendations, Program Year 47**

CDBG Program Activity	Organization/Department	PY47 Recommendation
REHABILITATION/HOUSING		
Improving 22 Fessenden and 12 Russell Terrace	Caritas Communities	\$220,860
Affordable Housing Pre-Development Reports & Surveys	Housing Corporation of Arlington	\$50,000
Sub-total		\$270,860
PUBLIC SERVICES		
Scholarship Program	Arlington Boys and Girls Club	\$19,000
Jobs, Jobs, Jobs Program	Arlington Boys and Girls Club	\$4,000
Athletic Scholarships	Arlington High School	\$3,800
Operation Success Learning Center	Arlington Housing Authority	\$6,000
Mental Health Counseling and Support Services	Arlington Youth Counseling Center (AYCC)	\$19,000
Adult Day Health	Council on Aging	\$6,000
Transportation Program	Council on Aging	\$31,540
Volunteer Coordinator	Council on Aging	\$52,922
Jobs, Jobs, Jobs	Fidelity House	\$4,000
Menotomy Manor Outreach Program	Fidelity House	\$20,000
Outreach and Stabilization Program	Somerville Homeless Coalition	\$0
Program Scholarships	Recreation Department	\$11,700
Sub-total (PY47 estimated statutory limit: \$177,965)		\$177,962
PUBLIC FACILITIES AND IMPROVEMENTS		
Curb Cut Ramp Project	Arlington Disability Commission + DPW	\$125,000
Facility Capital Improvements: Environmental Efficiency	Food Link, Inc.	\$46,667
Sub-total		\$171,667
ECONOMIC DEVELOPMENT		
Arlington Small Business Technical Assistance Program	Planning and Community Development	\$50,000
Arlington Small Business Recovery Program	Planning and Community Development	\$300,000
Sub-total		\$350,000
PLANNING		
Planners	Planning and Community Development	\$52,335
Planning Studies	Planning and Community Development	\$79,700
Annual Town Survey	Envision Arlington	\$2,200
Sub-total		\$134,235
ADMINISTRATION		
Grants Administrator (salary + benefits)	Planning and Community Development	\$78,291
General Administration	Planning and Community Development	\$17,500
Sub-total		\$ 95,791
Planning & Admin. Sub-total (PY47 estimated statutory limit: \$230,107)		\$230,026
TOTAL		\$1,200,515

**TOWN OF ARLINGTON
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
CDBG Funding Sources, Program Year 47**

HUD Entitlement Allocation	\$1,090,533.00
Estimated Program Income	\$60,000.00
Prior Year Reprogrammed Funds	\$49,982.00
TOTAL	\$1,200,515.00

FY2020 REVOLVING FUNDS: EXPENDITURE DETAIL

Revolving Fund	Amount
<u>Private Ways Repairs:</u>	
Contracted Services	\$ 51,400.00
Total Expenditures	\$ 51,400.00
<u>Public Way Repairs:</u>	
Contracted Services	\$ -
Total Expenditures	\$ -
<u>Fox Library Community Center Rentals:</u>	
Maintenance	\$ 224.00
Total Expenditures	\$ 224.00
<u>Robbins House Rentals:</u>	
Personnel	\$ 4,250.00
Supplies	\$ 203.16
Maintenance	\$ 1,222.45
Utilities	\$ 8,076.36
Contracted Services	\$ 4,161.96
Total Expenditures	\$ 17,913.93
<u>Conservation Commission Fees:</u>	
Other Expense	\$ 180.00
Total Expenditures	\$ 180.00
<u>Uncle Sam Fees:</u>	
Total Expenditures	\$ -
<u>Life Support Services (Ambulance) Fees:</u>	
General Fund Offset (Personnel)	\$ 209,504.00
Contracted Services	\$ 376,820.65
Emergency Vehicle	\$ -
Capital Offset	\$ 47,175.00
Total Expenditures	\$ 633,499.65
<u>Board of Health Fees:</u>	
Personnel	\$ 18,969.49
Supplies	\$ 988.09
Contracted Services	\$ 24,848.43
Other Expenses	\$ 14,750.43
Total Expenditures	\$ 59,556.44

Revolving Fund	Amount
<u>Field User Fees:</u>	
Contracted Services	\$ 10,503.02
Maintenance	\$ 4,472.90
Total Expenditures	\$ 14,975.92
<u>Robbins Library Rentals:</u>	
Personnel	\$ 645.00
Contracted Services	\$ 1,780.02
Total Expenditures	\$ 2,425.02
<u>Town Hall Rentals:</u>	
Supplies	\$ 534.00
Personnel	\$ 24,614.80
Utilities	\$ 7,644.75
Contracted Services	\$ 37,362.50
Total Expenditures	\$ 70,156.05
<u>White Good Recycling Fees:</u>	
Transfer to General Fund	\$ 35,000.00
Equipment and Materials	\$ 4,732.72
Total Expenditures	\$ 39,732.72
<u>Library Vending Fees:</u>	
Supplies	\$ 735.00
Equipment	\$ -
Contracted Services	\$ 2,995.54
Total Expenditures	\$ 3,730.54
<u>Gibbs School Energy Fees:</u>	
Utilities	\$ 6,110.30
Total Expenditures	\$ 6,110.30
<u>Cemetery Chapel Rentals:</u>	
Total Expenditures	\$ -
<u>Council on Aging Program Fees:</u>	
Supplies	\$ 2,878.54
Contracted Services	\$ 15,766.08
Total Expenditures	\$ 18,644.62

Arlington Parking Fund and Arlington Center Parking Benefit District Statement of Revenues & Expenditures

Expenditures

	Projected FY22 Exp.
IPS (CC, Gateway, System)	\$42,400.00
Elavon CC Fee	\$58,000.00
Coin Collection	\$32,052.00
First Parish Lease	\$6,000.00
Lease Payments	\$46,561.00
Share of Parking Enforcement	\$67,384.00
Share of Parking Admin.	\$37,276.00
Single Space Modem Upgrade	\$15,000.00
Parking Benefit District	\$20,000.00
Total	\$324,673.00

Revenues

	FY20 Actual	FY21 (2/15/21)	FY22 Revenue Projection (12 months parking w/o Covid)	FY22 Revenue Projection (9 months w/o Covid)
Single Space Meters	\$259,798.57	\$20,829.95	\$345,000.00	\$276,000.00
Multi-Space Meters	\$139,985.67	\$9,472.95	\$175,000.00	\$147,000.00
Charging Station	\$5,317.92	\$3,231.12	\$9,000.00	\$9,000.00
Pay by Phone	N/A	\$6,062.95	\$24,000.00	\$24,000.00
Interest	\$11,824.39	\$7,870.84	\$3,000.00	\$3,000.00
Total	\$416,926.55	\$47,467.81	\$556,000.00	\$459,000.00

Proposed FY22 Parking Benefit District Budget

Arlington Center Sidewalk and Broadway Plaza Improvements	
Russell Common Lot Improvements	
Snow Removal	
Seasonal Planting in Center	\$20,000
Planter and Tree Watering	
Sidewalk Cleaning	
Total	\$20,000

14
A
C H A R G E,

DELIVERED TO THE

*A*FRICAN LODGE,

JUNE 24, 1797,

AT MENOTOMY.

BY THE RIGHT WORSHIPFUL
PRINCE HALL.

Published by the Desire of the Members of said Lodge,

—1797.—

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A

C H A R G E.

Beloved Brethren of the African Lodge,

TIS now five years since I deliver'd a Charge to you on some parts and points of Masonry. As one branch or superstructure on the foundation ; when I endeavoured to shew you the duty of a Mason to a Mason, and charity or love to all mankind, as the mark and image of the great God, and the Father of the human race.

I shall now attempt to shew you, that it is our duty to sympathise with our fellow men under their troubles : the families of our brethren who are gone : we hope to the Grand Lodge above, here to return no more. But the cheerfulness that you have ever had to relieve them, and ease their burdens, under their sorrows, will never be forgotten by them ; and in this manner you will never be weary in doing good.

But

But my brethren, although we are to begin here, we must not end here ; for only look around you and you will see and hear of numbers of our fellow men crying out with holy Job, Have pity on me, O my friends, for the hand of the Lord hath touched me. And this is not to be confined to parties or colours ; not to towns or states ; not to a kingdom, but to the kingdoms of the whole earth, over whom Christ the king is head and grand master.

Among these numerous sons and daughters of distress, I shall begin with our friends and brethren ; and first, let us see them dragg'd from their native country, by the iron hand of tyranny and oppression, from their dear friends and connections, with weeping eyes and aching hearts, to a strange land and strange people, whose tender mercies are cruel ; and there to bear the iron yoke of slavery & cruelty till death as a friend shall relieve them. And must not the unhappy condition of these our fellow men draw forth our hearty prayer and wishes for their deliverance from these merchants and traders, whose characters you have in the xviii chap. of the Revelations, 11, 12, & 13 verses,

verses, and who knows but these same sort of traders may in a short time, in the like manner, bewail the loss of the African traffick, to their shame and confusion : and if I mistake not, it now begins to dawn in some of the West-India islands ; which puts me in mind of a nation (that I have somewhere read of) called Ethiopians, that cannot change their skin : But God can and will change their conditions, and their hearts too ; and let Boston and the world know, that He hath no respect of persons ; and that that bulwark of envy, pride, scorn and contempt ; which is so visible to be seen in some and felt, shall fall, to rise no more.

When we hear of the bloody wars which are now in the world, and thousands of our fellow men slain ; fathers and mothers bewailing the loss of their sons ; wives for the loss of their husbands ; towns and cities burnt and destroy'd ; what must be the heart-felt sorrow and distress of these poor and unhappy people ! Though we cannot help them, the distance being so great, yet we may sympathize with them in their troubles, and mingle a tear of sorrow with them, and do as we are exhorted to—weep with those that weep. Thus

Thus my brethren we see what a chequer'd world we live in. Sometimes happy in having our wives and children like olive-branches about our tables ; receiving the bounties of our great Benefactor. The next year, or month, or week, we may be deprived of some of them, and we go mourning about the streets : so in societies ; we are this day to celebrate this Feast of St. John's, and the next week we might be called upon to attend a funeral of some one here, as we have experienced since our last in this Lodge. So in the common affairs of life we sometimes enjoy health and prosperity ; at another time sickness and adversity, crosses and disappointments.

So in states and kingdoms ; sometimes in tranquility ; then wars and tumults ; rich to day, and poor to-morrow ; which shews that there is not an independent mortal on earth ; but dependent one upon the other, from the king to the beggar.

The great law-giver, Moses, who instructed by his father-in-law, Jethro, an Ethiopian, how to regulate his courts of justice, and what sort of men to choose for the different offices ; hear now my words,
said

said he, I will give you counsel, and God shall be with you ; be thou for the people to Godward, that thou mayest bring the causes unto God, and thou shall teach them ordinances and laws, and shall shew the way wherein they must walk ; and the work that they must do ; moreover thou shall provide out of all the people, able men, such as fear God, men of truth, hating covetousness, and place such over them, to be rulers of thousands, of hundreds and of tens.

So Moses hearkened to the voice of his father-in-law, and did all that he said.—
Exodus xviii, 22—24.

This is the first and grandest lecture that Moses ever received from the mouth of man ; for Jethro understood geometry as well as laws, *that* a Mason may plainly see ; so a little captive servant maid by whose advice Nomen, the great general of Syria's army was healed of his leprosy ; and by a servant his proud spirit was brought down : 2 Kings, v. 3—14. The feelings of this little captive, for this great man, her captor, was so great, that she forgot her state of captivity, and felt for the distress of her enemy. Would to God (said she to her mistress)

mistress) my lord were with the prophets in Samaria, he should be healed of his leprosy : So after he went to the prophet, his proud host was so haughty that he not only disdain'd the prophet's direction, but derided the good old prophet ; and had it not been for his servant, he would have gone to his grave, with a double leprosy, the outward and the inward, in the heart, which is the worst of leprosy ; a black heart is worse than a white leprosy.

How unlike was this great general's behaviour to that of as grand a character, and as well beloved by his prince as he was ; I mean Obadiah, to a like prophet. See for this 1st Kings, xviii. from 7 to the 16th.

And as Obadiah was in the way, behold Elijah met him, and he knew him, and fell on his face, and said, Art not thou, my Lord, Elijah, and he told him, Yea, go and tell thy Lord, behold Elijah is here ; and so on to the 16th verse. Thus we see, that great and good men have, and always will have, a respect for ministers and servants of God. Another instance of this is in Acts viii. 27 to 31, of the European Eunuch, a man of great authority, to Philip, the apostle,

apostle : here is mutual love and friendship between them. This minister of Jesus Christ did not think himself too good to receive the hand, and ride in a chariot with a black man in the face of day ; neither did this great monarch (for so he was) think it beneath him to take a poor servant of the Lord by the hand, and invite him into his carriage, though but with a staff, one coat and no money in his pocket. So our Grand Master, Solomon, was not ashamed to take the Queen of Sheba by the hand, and lead her into his court, at the hour of high twelve, and there converse with her on points of masonry (for if ever there was a female mason in the world she was one) and other curious matters ; and gratified her, by shewing her all his riches and curious pieces of architecture in the temple, and in his house : After some time staying with her, he loaded her with much rich presents : he gave her the right hand of affection and parted in love.

I hope that no one will dare openly (tho' in fact the behaviour of some imple^s as much) to say, as our Lord said on another occasion. Behold a greater than Solomon is here. But yet let them consider that our Grand Master Solomon did not divide the living child, whatever he might do with the dead one, neither did he pretend to make a law, to forbid the parties

from having free intercourse with one another without the fear of censure, or be turned out of the synagogue.

Now my brethren, as we see and experience, that all things here are frail and changeable and nothing here to be depended upon : Let us seek those things which are above, which are sure and steadfast, and unchangeable, and at the same time let us pray to Almighty God, while we remain in the tabernacle, that he would give us the grace of patience and strength to bear up under all our troubles, which at this day God knows we have our share. Patience I say, for were we not possess'd of a great measure of it you could not bear up under the daily insults you meet with in the streets of Boston ; much more on public days of recreation, how are you shamefully abus'd, and that at such a degree, that you may truly be said to carry your lives in your hands ; and the arrows of death are flying about your heads ; helpless old women have their clothes torn off their backs, even to the exposing of their nakedness ; and by whom are these disgraceful and abusive actions committed, not by the men born and bred in Boston, for they are better bred ; but by a mob or horde of shameless, low-lived, envious, spiteful persons, some of them not long since, servants in gentlemen's kitchings, scouring knives, tending horses, and driving chaise.

chaise. 'Twas said by a gentleman who saw that filthy behaviour in the common, that in all the places he had been in, he never saw so cruel behaviour in all his life, and that a slave in the West-Indies, on Sunday or holidays enjoys himself and friends without any molestation. Not only this man, but many in town who hath seen their behaviour to you, and that without any provocations, twenty or thirty cowards fall upon one man, have wonder'd at the patience of the Blacks: 'tis not for want of courage in you, for they know that they dare not face you man for man, but in a mob, which we despise, and had rather suffer wrong than to do wrong, to the disturbance of the community and the disgrace of our reputation: for every good citizen doth honor to the laws of the State where he resides.

My brethren, let us not be cast down under these and many other abuses we at present labour under: for the darkest is before the break of day: My brethren, let us remember what a dark day it was with our African brethren six years ago, in the French West-Indies. Nothing but the snap of the whip was heard from morning to evening; hanging, broken on the wheel, burning, and all manner of tortures inflicted on those unhappy people, for nothing else but to gratify their masters pride, wantonness and cruelty: but blessed be God,
scene

the scene is changed ; they now confess that God hath no respect of persons, and therefore receive them as their friends, and treat them as brothers. Thus doth Ethiopia begin to stretch forth her hand, from a sink of slavery to freedom and equality.

Although you are deprived of the means of education ; yet you are not deprived of the means of meditation ; by which I mean thinking, hearing and weighing matters, men and things in your own mind, and making that judgment of them as you think reasonable to satisfy your minds and give an answer to those who may ask you a question. This nature hath furnished you with, without letter learning ; and some have made great progress therein, some of those I have heard repeat psalms and hymns, and a great part of a sermon, only by hearing it read or preached and why not in other things in nature : how many of this class of our brethren that follow the seas ; can foretell a storm some days before it comes ; whether it will be a heavy or light, a long or short one ; foretell a hurricane whether it will be destructive or moderate ; without any other means than observation and consideration.

So in the observation of the heavenly bodies, this same class without a telescope or other apparatus have through a smok'd glass observed the eclipse of the sun : One being ask'd what
he

he saw through his smoaked glafs? said, Saw, saw, de clipsey, or de clipseys;—and what do you think of it?—stop, dere be two;—right, and what do they look like?—Look like, why if I tell you, they look like two ships sailing one bigger than tother; so they sail by one another, and make no noise. As simple as the answers are they have a meaning, and shew, that God can out of the mouth of babes and Africans shew forth his glory; let us then love and adore him as the God who defends us and supports us and will support us under our pressures, let them be ever so heavy and pressing. Let us by the blessing of God, in whatsoever state we are, or may be in, to be content; for clouds and darkness are about him; but justice and truth is his habitation; who hath said, Vengeance is mine and I will repay it, therefore let us kiss the rod and be still, and see the works of the Lord.

Another thing I would warn you against, is the slavish fear of man, which bringest a snare, saith Solomon. This passion of fear, like pride and envy, hath slain its thousands.—What but this makes so many perjure themselves; for fear of offending them at home they are a little depending on, for some trifles: A man that is under a panic of fear, is affraid to be alone; you cannot hear of a robbery or house broke open or set on fire, but he hath an accomplice

accomplice with him, who must share the spoil with him; whereas if he was truly bold, and void of fear, he would keep the whole plunder to himself: so when either of them is detected and not the other, he may be call'd to oath to keep it secret, but through fear, (and that passion is so strong) he will not confess, till the fatal cord is put on his neck; then death will deliver him from the fear of man, and he will confess the truth when it will not be of any good to himself or the community: nor is this passion of fear only to be found in this class of men, but among the great.

What was the reason that our African kings and princes have plunged themselves and their peaceable kingdoms into bloody wars, to the destroying of towns and kingdoms, but the fear of the report of a great gun or the glittering of arms and swords, which struck these kings near the seaports with such a panic of fear, as not only to destroy the peace and happiness of their inland brethren, but plung'd millions of their fellow countrymen into slavery and cruel bondage.

So in other countries; see Felix trembling on his throne. How many Emperors and kings have left their kingdoms and best friends, at the sight of a handful of men in arms: how many have we seen that have left their estates and their friends and ran over to the stronger side as they thought:

thought : all through the fear of men ; who is but a worm, and hath no more power to hurt his fellow worm, without the permission of God, than a real worm.

Thus we see my brethren, what a miserable condition it is to be under the slavish fear of men ; it is of such a destructive nature to mankind, that the scriptures every where from Genesis to the Revelations warns us against it ; and even our blessed Saviour himself forbids us from this slavish fear of man, in his sermon on the mount ; and the only way to avoid it is to be in the fear of God : let a man consider the greatness of his power, as the maker and upholder of all things here below, and that in Him we live, and move, and have our being, the giver of the mercies we enjoy here from day to day, and that our lives are in his hands, and that he made the heavens, the sun, moon and stars to move in their various orders ; let us thus view the greatness of God, and then turn our eyes on mortal man, a worm, a shade, a wafer, and see whether he is an object of fear or not ; on the contrary, you will think him in his best estate, to be but vanity, feeble and a dependent mortal, and stands in need of your help, and cannot do without your assistance, in some way or other ; and yet some of these poor mortals will try to make you believe they are Gods, but worship them not. My brethren

then let us pay all due respect to all whom God hath put in places of honor over us : do justly and be faithful to them that hire you, and treat them with that respect they may deserve ; but worship no man. Worship God, this much is your duty as christians and as masons.

We see then how becoming and necessary it is to have a fellow feeling for our distress'd brethren of the human race, in their troubles, both spiritual and temporal — How refreshing it is to a sick man, to see his sympathising friends around his bed, ready to administer all the relief in their power ; although they can't relieve his bodily pain yet they may ease his mind by good instructions and cheer his heart by their company.

How doth it cheer up the heart of a man when his house is on fire, to see a number of friends coming to his relief ; he is so transported that he almost forgets his loss and his danger, and fills him with love and gratitude ; and their joys and sorrows are mutual.

So a man wreck'd at sea, how must it revive his drooping heart to see a ship bearing down for his relief.

How doth it rejoice the heart of a stranger in a strange land to see the people cheerful and pleasant and are ready to help him.

How

How did it, think you, cheer the heart of those our poor unhappy African brethren, to see a ship commissioned from God, and from a nation that without flattery saith, that all men are free and are brethren; I say to see them in an instant deliver such a number from their cruel bolts and galling chains, and to be fed like men, and treated like brethren. Where is the man that has the least spark of humanity, that will not rejoice with them; and bless a righteous God who knows how and when to relieve the oppressed, as we see he did in the deliverance of the captives among the Algerines; how sudden were they delivered by the sympathising members of the Congress of the United States, who now enjoy the free air of peace and liberty, to their great joy and surprize, to them and their friends. Here we see the hand of God in various ways, bringing about his own glory for the good of mankind, by the mutual help of their fellow men; which ought to teach us in all our straits, be they what they may, to put our trust in Him, firmly believing, that he is able and will deliver us and defend us against all our enemies; and that no weapon form'd against us shall prosper; only let us be steady and uniform in our walks, speech and behaviour; always doing to all men as we wish and desire they would do to us in the like cases and circumstances.

Live

Live and act as Masons, that you may die as Masons ; let those despisers see, altho' many of us cannot read, yet by our searches and researches into men and things, we have supplied that defect, and if they will let us we shall call ourselves a charter'd lodge, of just and lawful Masons ; be always ready to give an answer to those that ask you a question ; give the right hand of affection and fellowship to whom it justly belongs let their colour and complexion be what it will : let their nation be what it may, for they are your brethren, and it is your indispensable duty so to do ; let them as Masons deny this, and we & the world know what to think of them be they ever so grand: for we know this was Solomon's creed, Solomon's creed did I say, it is the decree of the Almighty, and all Masons have learnt it : plain market language and plain and true facts need no apologies.

I shall now conclude with an old poem which I found among some papers :—

Let blind admirers handsome faces praise,
 And graceful features to great honor raise,
 The glories of the red and white express,
 I know no beauty but in holiness ;
 If God of beauty be the uncreate
 Perfect idea, in this lower state,
 The greatest beauties of an human mould
 Who most resemble Him we justly hold ;
 Whom we resemble not in flesh and blood,
 But being pure and holy, just and good :
 May such a beauty fall but to my share,
 For curious shape or face I'll never care.

