

Bylaw Review Committee

September 18, 2023

Held Via Zoom

Meeting called to order at 7:02pm.

Bylaw Committee members present: Katherine Howitt, Ann Santos, Dan Lieber, Joseph Pride, Kevin York, Lucy Fox; Tim Lilley; Eric Reid. Also present: Bill Renault (town engineer), Tom Mullen (Town Counsel); Bob Vincent (Town Council); Brian McGrail.

No citizens stepped forward for public engagement.

Minutes from June 5, 2023 approved unanimously via roll call vote.

Tom Mullen – several 40B projects pending throughout town. One of the contractor’s attorneys works in the same firm as Mark Bobrowski, who is working closely with the Bylaw Review Committee. Mr. Bobrowski, by virtue of his designation as a special municipal employee, has a conflict of interest based on his working relationship with the attorney for the local 40B contractor. Mr. Mullen intends to ask Town Council to examine means to legally cure the conflict and then Mr. Mullen will prepare documents to satisfy any issues with the conflict. Initial conflict of interest was inadvertent.

Item 5 – Review Bylaws

Chapter 147 – Sidewalk Cafes

Discussion regarding A-frame signs and which entity enforces violations. Mr. Mullen suggested both police and DPW have power of enforcement. Mr. Renault added that he will check ADA accessibility language and suggest additions if necessary. Chair Lieber questioned whether we need to further define language surrounding mixed-term zoning as it relates to this Chapter.

A-frame signage discussion – Mr. Pride questioned whether requested A-frame signs are required to be presented before the signage committee. Ms. Santos recalled the Town granting the use of uniform A-frame signs to businesses that requested such use. Chair Lieber asked Mr. Mullen to present language to detail the use of signage as it pertains to sidewalk cafes.

Chapter 148 – Newsracks

Ms. Santos suggested whether the use of the term “will” in (10) could be changed to “may” to give DPW more flexibility. Chair Lieber pointed out that the use of “will” could invoke a process required for removal. Ms. Santos suggested that Mr. Renault ask the Director of the DPW the historical perspective of this bylaw and its history of enforcement as well as collection of fees.

Chapter 154 – Peace and Good Order

Ms. Santos suggested to examine the spelling of “marihuana” in Chapter 154, to make it consistent with state statutory spelling of “marijuana” as well as the use of “marijuana” in section 154-9. Discussion regarding applicability of section prohibiting public use and whether it is still appropriate

based on decriminalization of marijuana. Committee members suggested that ban on public property was appropriate.

154-9 – Request that Mr. Mullen examine 154-9 to examine whether the ban of marijuana establishments is still enforceable in light of recent laws.

154-10 – Mr. Lieber questioned procedure of enforcement of violations, past first offenses.

Chapter 165 – Sewers

No questions presented.

Chapter 170 – Storm Drain System; Stormwater Management

Mr. Renault will have suggestions for language clean-up and amendments to procedures for next meeting. Further discussion deferred until next meeting on October 3, 2023.

Chapter 175 Streets and Sidewalks

Chair Lieber suggested deferral of discussion until next meeting.

Chapter 155 - Vacant Commercial Buildings – passed by November 2019 Bylaw Committee but failed to pass at subsequent Town Meeting. Chair Lieber suggested members review Chapter 155 for discussion at next meeting, October 3, 2023. Mr. Lilley shared that the video of the November 2019 Town Meeting is on YouTube for review.

New Issue: Rodenticide Usage – Recent injuries to animals ingesting rodenticide based on use of rodenticide (rat poison). Chair Lieber shared photos of local (and well-known) adult female bald eagle that died by eating rat poison. Mr. Lieber shared that several jurisdictions ban the use of rodenticide on public property. Request for Town Administrator to request language of Arlington's recent ban of rodenticide.

Motion to Adjourn made at 8:50pm – unanimously approved via roll call vote.

Upcoming Dates

Next Meeting(s): October 3, 2023 7:00 PM

Town Meeting: Saturday, November 18, 2023

Minutes approved October 3, 2023.