



WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
ANNUAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet via Zoom and at the High School Auditorium in said Brookline on TUESDAY, the TWENTY-EIGHTH day of MAY, 2024 at 7:00 o'clock in the evening for the Annual Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

Submitted by: Select Board

To see if the Town will establish that the number of Measurers of Wood and Bark be two, to be appointed by the Select Board, or act on anything relative thereto.

ARTICLE 2

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town; or act on anything relative thereto.

ARTICLE 3

Submitted by: Treasurer/Collector

To see if the Town will authorize the Town Treasurer, with the approval of the Select Board, to enter into Compensating Balance Agreement(s) for FY2025 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 4

Submitted by: Select Board

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

ARTICLE 5

Submitted by: Select Board

To see if the Town will:

- A) Raise and appropriate or appropriate from available funds a sum of money to operate the Golf Enterprise Fund in the fiscal year 2024 budget;
- B) Appropriate additional funds to the various accounts in the fiscal year 2024 budget or transfer funds between said accounts;
- C) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Select Board to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

ARTICLE 6

Submitted by: Select Board

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of the previous years, which may be legally unenforceable due to the insufficiency of the appropriations therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

or act on anything relative thereto.

ARTICLE 7

Submitted by: Board of Assessors

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2025 which shall be uniform for all exemptions, in accordance with Section 4 of Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

ARTICLE 8

Submitted by: Deputy Town Administrator, Director of Finance, and Director of Public Health and Human Services

To see if the town will vote to amend the town's general by-laws by adding the following new section 3.11a ½ to establish and authorize revolving funds for use by certain town departments, boards, committees, agencies, or officers under Massachusetts General Laws Chapter 44, § 53E½.

ARTICLE 3.11A ½: DEPARTMENTAL REVOLVING FUNDS

3.11A ½ 1. Purpose. This by-law establishes and authorizes revolving funds for use by town departments, boards, committees, agencies, or officers in connection with the operation of programs or activities that generate fees, charges, or other receipts to support all or some of the expenses of those programs or activities. These revolving funds are established under and governed by General Laws Chapter 44, § 53E½.

3.11A ½ 2. Expenditure Limitations. A town department or agency head, board, committee, or officer may incur liabilities against and spend monies from a revolving fund established and authorized by this by-law without appropriation subject to the following limitations:

- a. Fringe benefits of full-time employees whose salaries or wages are paid from the fund shall also be paid from the fund, except for those employed as school bus drivers.
- b. No liability shall be incurred in excess of the available balance of the fund.
- c. The total amount spent during a fiscal year shall not exceed the amount authorized by town meeting on or before July 1 of that fiscal year, or any increased amount of that authorization that is later approved during that fiscal year by the Select Board and Advisory Committee.

3.11A ½ 3. Interest. Interest earned on monies credited to a revolving fund established by this by-law shall be credited to the general fund.

3.11A ½ 4. Procedures and Reports. Except as provided in General Laws Chapter 44, § 53E½ and this by-law, the laws, by-laws, rules, regulations, policies, or procedures that govern the receipt and custody of town monies and the expenditure and payment of town funds shall apply to the use of a revolving fund established and authorized by this by-law. The Comptroller shall include a statement on the collections credited to each fund, the encumbrances and expenditures charged to the fund, and the balance available for expenditure in the regular report the Comptroller provides the department, board, committee, agency, or officer on appropriations made for its/their use.

3.11A ½ 5. Authorized Revolving Funds.

<u>A</u>	<u>B</u>	<u>C</u>	<u>D</u>	<u>E</u>	<u>F</u>	<u>G</u>
Revolving Fund	Department, Board, Committee, Agency, or Officer Authorized to Spend from Fund	Fees, Charges, or Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Restrictions or Conditions on Expenses Payable from Fund	Other Requirements / Reports	Fiscal Years
Façade Improvement Loan Program	Director of Planning and Community Development	Façade improvement loan repayments	Façade improvement expenses			2024 and subsequent years
Library Copiers	Library Director	Library copying fees	Library copying services			2024 and subsequent years
Public Health Clinic	Director of Public Health and Human Services	Receipts from insurance, Medicare, and Medicaid related to public health clinics	Public health clinic programming			2025 and subsequent years
Recreation	Park and Recreation Commission	Receipts from recreation programs and events	Recreation programs and events			2024 and subsequent years
Repair and Maintenance of Rental Properties	Building Commissioner	Receipts from rental properties	Repair and maintenance of rental properties			2024 and subsequent years
Sidewalk Construction, Maintenance, and Repair	Commissioner of Public Works	Fees paid by property owners for sidewalk improvements	Construction, reconstruction, upkeep, maintenance, repair, and improvement of sidewalks and walkways along public streets and ways over, across, and through town-owned property			2024 and subsequent years
Student Transportation	School Committee	Bus fees	Expenses related to student transportation			2024 and subsequent years

or take any other action relative thereto

ARTICLE 9

Submitted by: Deputy Town Administrator and Director of Finance

To see if the Town will accept the provisions of M.G.L. c. 40, s. 13D pertaining to establishing a reserve fund for payment of accrued liabilities due employees; the municipal official to authorize payments from this fund shall be the Town Administrator or his or her designee, or act on anything related thereto.

ARTICLE 10

Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2025 Budget

Appropriate the sums requested or proposed by the Select Board or by any other officer, board or committee, or any other sum or sums, for the fiscal year 2025 budget; without limiting the foregoing, appropriate the sums necessary for all town expenses, including the snow and ice budget, debt and interest, and operating expenses; fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with an option to purchase or installment purchase of equipment; appropriate to or from a stabilization fund as provided for in General Laws Chapter 40, Section 5B; Chapter 44, Section 44B; authorize the continuation of all revolving funds in accordance with General Laws, Chapter 44, Section 53E½ and all Enterprise Funds in accordance with General Laws, Chapter 44, Section 53F½; allocate available free cash; provide for a reserve fund; and establish the requirements for transfers among appropriations, interfund transfers, transfers for the purposes of salary adjustments, filling vacant positions and budgetary reporting.

B.) Fiscal Year 2025 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$225,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board, for maintenance of town garage floors.
- 2.) Appropriate \$500,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of Town buildings.
- 3.) Appropriate \$125,000, or any other sum, to be expended under the direction of the Chief Information Officer, with any necessary contracts over \$100,000 to be approved by the Select Board, for technology infrastructure.
- 4.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Director of Planning and Community Development, with any necessary contracts over \$100,000 to be approved by the Select Board, for the purpose of completing the Town's Comprehensive Plan.
- 5.) Appropriate \$325,000, or any other sum, to be expended under the direction of the Fire Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of Engine #3.

- 6.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Police Chief, with any necessary contracts over \$100,000 to be approved by the Select Board, for equipment and software for the Body Worn and In-Car Camera program.
- 7.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner, for the feasibility study to improve the Public Safety building lobby and adjacent areas.
- 8.) Appropriate \$350,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for traffic calming.
- 9.) Appropriate \$350,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for bike access improvements.
- 10.) Appropriate \$400,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for the parking meter replacement program.
- 11.) Appropriate \$1,950,000, or any other sum, with any necessary contracts over \$100,000 to be approved by the Select Board, to be expended under the direction of the Commissioner of Public Works, for the Hammond Street at Woodland Road Traffic Signal And Road Diet Improvement Plan.
- 12.) Appropriate \$150,800, or any other sum, to be expended under the direction of the Commissioner of Public Works, for Accessible Pedestrian Signals.
- 13.) Appropriate \$5,980,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of streets.
- 14.) Appropriate \$513,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the rehabilitation of sidewalks.
- 15.) Appropriate \$800,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for design work related to the Washington Street Rehabilitation and Complete Streets Program.
- 16.) Appropriate \$3,000,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for wastewater system improvements.

- 17.) Appropriate \$2,780,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the renovation of Amory Tennis Courts, Parking and Halls Pond.
- 18.) Appropriate \$95,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, Big Belly compacting waste stations.
- 19.) Appropriate \$400,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the design of the renovation of Griggs Park.
- 20.) Appropriate \$3,300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for improvements at Larz Anderson Park.
- 21.) Appropriate \$550,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for improvements to Monmouth Park.
- 22.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for the renovation of playground equipment, fields, and fencing.
- 23.) Appropriate \$185,000, or any other sum, to be expended under the direction of the Commissioner of Public Works for the rehabilitation of Town and School grounds.
- 24.) Appropriate \$350,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board and the Tree Planting Committee, for the removal and replacement of trees.
- 25.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Recreation Director, with any necessary contracts over \$100,000 to be approved by the Select Board and the Park and Recreation Commission, for tree work at Putterham Woods.
- 26.) Appropriate \$600,000, or any other sum, to be expended under the direction of the Recreation Director, with any necessary contracts over \$100,000 to be approved by the Select Board and the Park and Recreation Commission, for Golf Course Improvements.
- 27.) Appropriate \$1,115,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board and the Park and Recreation Commission, for the Evelyn Kirrane Aquatics Center dehumidification and filter work project.

- 28.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.
- 29.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for HVAC equipment.
- 30.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for underground tank removal.
- 31.) Appropriate \$90,000, or any other sum, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.
- 32.) Appropriate \$400,000, or any other sum, to be expended under the direction of the Building Commissioner for elevator renovations.
- 33.) Appropriate \$205,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy conservation projects in Town and School facilities.
- 34.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for upgrades to energy management systems in Town and School facilities.
- 35.) Appropriate \$500,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over \$100,000 to be approved by the Select Board and, with respect to School Buildings, by the School Committee, for building envelope / fenestration repairs to Town and School facilities.
- 36.) Appropriate \$225,000, or any other sum, to be expended under the direction of the Building Commissioner, for public building fire alarm upgrades.
- 37.) Appropriate \$170,000, or any other sum, to be expended under the direction of the Building Commissioner, for improvements to life safety systems and building security in Town and School facilities.
- 38.) Appropriate \$4,670,209 or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved by the Select Board and the School Committee, for minor renovations / upgrades to school buildings.
- 39.) Appropriate \$200,000, or any other sum, to be expended under the direction of the Building Commissioner, with any necessary contracts over \$100,000 to be approved

by the School Committee, for the modifications to school buildings in response to Individualized Education Program (IEP) accommodations.

40.) Appropriate \$250,000, or any other sum, to be expended under the direction of the School Superintendent, with any necessary contracts over \$100,000 to be approved by the School Committee, for a long term capital planning study for school buildings.

41.) Appropriate \$717,332, or any other sum, to be expended under the direction of the School Superintendent, with any necessary contracts to be approved by the School Committee, for the expansion of classroom capacity in various schools.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

ARTICLE 11

Submitted by: Community Preservation Act Committee

To see if the Town will vote to make appropriations from the Community Preservation Act Fund for eligible community preservation projects; for community preservation reserve accounts for historic preservation, open space and recreation, and affordable housing; for Community Preservation Act Committee administrative expenses or other eligible expenses in fiscal year 2025.

The Community Preservation Act Committee will make recommendations on how the appropriations will be allocated from among the list of 15 applications listed below and will complete its analysis and review in April, 2024,

Title of Application

Invasive Species Removal at Hall's Pond
Park & Recreation Open Space Trust
Tree Inventory
Egmont Street Roof Replacement
High Street Redevelopment
Housing Assistance & Program Support
Boylston St Property Preservation
Beacon Street Property Preservation

Name of Submitting Organization

Friends of Hall's Pond
Park and Rec Commission/Alexandra Vecchio
Park and Rec Commission/Alexandra Vecchio
Brookline Housing Authority
Brookline Housing Authority
Brookline Community Development Corp.
Brookline Community Development Corp.
Brookline Community Development Corp.

Housing Economic Equity Program/Purchase of Real Estate	BNBC
All Saints Parish Roof Replacement	All Saints Parish
Devotion House Window Restoration	Brookline Public Buildings
Larz Anderson Cultural and Historic Landscape Inventory	Brookline DPW Brookline DPW.
Bridle Path	Brookline Dept of Public Health
Public Health Plaza at Brookline Village.	
Study of DPW Maintenance Yard at Larz Anderson	Friends of Larz Anderson

or act on anything relative thereto.

ARTICLE 12

Submitted by: Director of Finance and Council on Aging Director

To see if the Town will vote to accept the provision of Massachusetts General Laws Chapter 59 Section 5K permitting the Town to allow a maximum reduction of the real property tax bill for the Senior Citizen Property Tax Work-Off Program to be \$2,000 each year, or take any other action relative thereto.

ARTICLE 13

Submitted by: Roger Blood on behalf of the Housing Advisory Board

To see if the Town will amend Sections 4.04 and 4.05 of the Brookline Zoning By-Law (Accessory Uses/Accessory Dwelling Units) by making changes as detailed below (additions appear underlined; deletions appear as ~~strike through~~):

Amend §4.4.1, LIMITATION OF AREA OF ACCESSORY USES, as follows:

1. No accessory use or uses within a building shall occupy more than a combined total of 25 per cent of the floor area of the principal building, other than required off-street parking, except that an accessory dwelling unit may occupy up to the lesser of ~~750~~ 950 square feet of habitable space or ~~30~~ 40 percent of the floor area of the principal building by right or, by Special Permit, up to the lesser of ~~950~~ 1200 square feet of habitable space or ~~30~~ 40 percent of the floor area of the principal building.
2. No accessory use or uses not within a building shall occupy more than a combined total of 25 per cent of the unbuilt lot area, or of the required rear yard area, other than required off-street parking or outdoor seating for a licensed Food Vendor as defined in Article 8.10 of the Town's General By-Laws.
3. No accessory use, except accessory dwelling units, shall occupy part of the required front or side yards, except off-street parking as required in M-1.0, M-1.5, M-2.0, and M-2.5 Districts and in business and industrial districts, and as provided in §§ 5.44, 5.53, 5.63, and 5.72.

Amend §4.05.3.b.1, ACCESSORY USES IN RESIDENCE DISTRICT; ACCESSORY DWELLING UNITS, as follows:

1. In any residence district, no accessory use shall be permitted which involves or requires any of the following:
 - a. The employment of any persons who is not resident in the dwelling unit, other than a domestic employee, except:
 1. Attendant or attendants to an accessory garage or parking space;
 2. Employee or employees of Uses 13, 14, 19, 20, 52, 63, 64, 66, 68 as permitted under § 4.07 and Uses 58, 58A or 59 as permitted hereunder and in § 4.07.
 - b. The maintenance of a stock in trade, except for Uses 63, 64, and 68 in § 4.07, or the use of show windows or displays or advertising visible outside the premises to attract customers or clients, other than professional announcement signs, except as provided for Use 64 in § 4.07.
2. An accessory use in a dwelling unit in any residence district as permitted under § 4.07, Uses 58 or 59, which requires a special permit shall be subject to the office parking provisions of § 6.02 unless otherwise modified by the Board of unless otherwise modified by the Board of Appeals, by special permit.
3. Accessory Dwelling Units
 - a. Intent: Accessory dwelling units are an allowed accessory use where they are, by design, clearly subordinate to the principal dwelling unit and meeting the requirements of this Section. Accessory dwelling units are intended to advance the following:
 1. To provide flexibility for families as their needs change over time and, in particular, provide options for older adults to be able to stay in their homes and for households with disabled persons;
 2. To increase the diversity of housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
 3. To provide a non-subsidized form of housing that is generally less costly to produce and more affordable than similar units in multifamily buildings;
 4. To add housing units to Brookline's total housing stock with minimal adverse effects on Brookline's neighborhoods.
 - b. Accessory dwelling units in single family owner-occupied buildings shall conform to all the following provisions:
 1. Maximum square footage. An accessory dwelling may be created with up to ~~30~~ 40 percent of the existing habitable space on the property or ~~750~~ 950 square feet of habitable space, whichever is less.

An accessory dwelling unit which exceeds ~~750~~ 950 square feet of habitable space or ~~30~~ 40 percent of the existing habitable space on the property, whichever is less, may be approved by Special Permit, provided that it does not exceed 950 1200 square feet of habitable space ~~and provided further that documentation is submitted showing that a permanent household member with a handicap or illness, not of a temporary nature, requires the aid of a resident caregiver to aid a family member. This Special Permit may require an additional off street parking space.~~

Amend §4.05.3.b.2 by deleting it and substituting the language as follows:

2. Owner-occupancy. An Applicant for a permit to create an authorized Accessory Dwelling Unit shall seek approval in a written form to be provided by the Town. The Applicant shall express its intent to proceed either as a primary owner-occupant of the subject property or as an absentee owner-investor. A primary owner-occupant may meet this requirement via owner-occupancy of either the primary or the accessory dwelling unit.

If the Applicant chooses to apply as a primary owner-occupant, a partial tax exemption for the property (as documented on the Town Assessor's Residential Exemption public database) shall be secured within 24 months from the date of permit issuance. Subsequent purchasers of the property must secure the aforesaid exemption within 24 months of their purchase.

If the Applicant chooses to apply as an absentee owner-investor, an affordable housing deed restriction shall be secured by the Applicant and recorded for the approved Accessory Dwelling Unit. This deed restriction recording shall be completed within 24 months following the date of permit issuance. The deed restriction shall be in a form approved by the Town of Brookline and extend for a period of not less than 15 years. The deed restriction shall restrict rental occupancy of the approved Accessory Dwelling Unit to households whose income does not exceed 80 percent of the Boston-Cambridge-Quincy HUD Metropolitan Area Median Income (AMI) as published annual by the U.S. Department of Housing and Urban Development (HUD).

Failure to comply with any of these requirements may result in the suspension of the Certificate of Occupancy for the Accessory Dwelling Unit.

An owner may choose to change their status from owner-occupant to absentee owner-investor at any time by notifying the Town of Brookline in writing at which time they will be subject to absentee owner-investor requirements, including an affordable housing deed restriction.

Amend §4.05.3.b.3 as follows:

3. Building envelope. An accessory dwelling unit may be created in an existing building or accessory building if the building envelope is not expanded and

any increase in FAR stemming from the creation of the accessory dwelling unit does not produce a resultant FAR greater than 120% of the allowed FAR in the current Zoning By-Law. An expansion of the building envelope or conversion of the garage to create an accessory dwelling unit shall only be allowed by Special Permit and only if the resultant FAR is no greater than 120% of the allowed FAR in the current Zoning By-Law and all ~~dimensional requirements town and zoning regulations~~ are met. The provisions of subsection 1.a. and e. of Section 5.22 shall not apply to the creation of accessory dwelling units.

Deleted:

Amend §4.05.3.b.4 to remove subparagraphs a, b, and c as follows:

4. Exterior appearance. A single family building containing an accessory dwelling unit ~~must exhibit no exterior evidence of occupancy by more than one family, including, but not limited to the following:~~
 - a) ~~Having~~ shall have no more than ~~two~~ one means of access/egress facing the street upon which the property faces;
 - b) ~~Having no more than one street number address; if the accessory dwelling unit has a second mailbox or mail delivery slot, it shall not be visible from the street;~~
 - c) ~~Having no electric, gas, water meters, or sub-meters other than those serving the principal dwelling unit of the building in which it is situated, unless required by the utility service provider.~~
5. Exterior alterations are permitted, provided they are in keeping with the architectural integrity of the structure, including but not limited to:
 - a) The exterior finish material should be the same or visually consistent with the exterior finish material of the remainder of the building;
 - b) The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
 - c) Trim should be consistent with the trim used on the remainder of the building;
 - d) Windows should be consistent with those of the remainder of the building in proportion and orientation.
6. Parking. A single family property with a by right accessory dwelling unit will conform to parking requirements as applicable to single-family homes with no accessory dwelling unit. Existing setback requirements will apply to all parking.
7. Maximum number of occupants. The total number of individuals residing in the principal and accessory dwelling units combined may not exceed the

number allowed in the principal dwelling unit alone, under **Section 2.06 “F”** definitions for family.

Delete §4.05.3.b.8 as follows and renumber all remaining subparagraphs:

~~8. Minimum age of principal dwelling unit and additions thereto. The creation of an accessory dwelling unit shall only be allowed on properties where the most recent Certificate of Occupancy was granted at least five years prior to the date of application to create the accessory dwelling unit.~~

~~9~~8. Conversion of garage space. An accessory dwelling unit that is created by conversion of a pre-existing garage, including an existing garage in a separate structure from the primary residential building, may be approved only by Special Permit. Garage space eligible for conversion to an accessory dwelling unit must have been constructed five or more years prior to the date of application for a permit to construct an accessory apartment as evidenced by an original building permit or other documentation satisfactory to the Board of Appeals. The provisions of Section **5.22**, Exceptions to Maximum Floor Area Ratio Regulations for Residential Units **1.e** prohibiting replacement of garage parking to a location exterior to the house does not apply to this subsection.)

~~10~~9. Conversion of accessory structures. An accessory dwelling unit may not be created in an accessory structure, except in a detached garage, as set forth in **paragraph 9** of this section.

~~11~~10. Allowable means of egress. An accessory dwelling unit must have two means of egress that conform to the applicable requirements of the Building Code. If the second means of egress requires an exterior stairway, any such stairway will require a Special Permit and may not exceed more than one story in height nor be visible from a public way.

~~12~~11. One accessory dwelling unit per lot. No more than one accessory dwelling unit shall be allowed per lot.

~~13~~12. No separate ownership. No accessory dwelling unit shall be held in separate ownership from the principal structure/dwelling unit; at no time shall an accessory dwelling unit, or the building of which it is a part, be deeded as a condominium unit.

~~14~~13. Curb cut limit. Accessory dwelling units may not be located on any lot which is accessed from any public or private street by more than one curb cut, except for lots having more than one pre-existing curb cut for a period of at least five years.

~~15~~14. Minimum rental period. Rental of either the accessory dwelling unit or its associated primary dwelling unit shall be for a term of not less than six (6) months and shall be subject to a written rental or lease agreement.

~~46~~15. Historic districts. Where a building is located within a local historic district and therefore subject to the procedures required under Article 5.6 of the General By-Law, any decisions of the Brookline Preservation Commission shall take precedence over the criteria and procedures set forth above, but the Preservation Commission may be guided by the provisions of this Section in addition to its own criteria and procedures.

~~47~~16. Recording at Registry of Deeds. Before a Certificate of Occupancy is issued, the property owner of any accessory apartment shall record with the Norfolk County Registry of Deeds or with the Land Court a certified copy of the approval, in a form prescribed by the Building Commissioner or, if required, the Special Permit. Certified copies of the recorded documents shall be filed with the Building Department.

Amend §4.05.3.b.18 (now renumbered 17) as follows:

~~48~~17. Change of ownership. When ownership of any residential property containing an existing accessory dwelling unit changes, the new property owner shall within 30 days of the title transfer, file with the Building Commissioner a sworn affidavit attesting to continued compliance with the requirements of this section and all applicable public safety codes, at which time the Building Commissioner shall conduct a determination of compliance with this Section.

~~The new property owner shall certify annually thereafter on the first business day of January, or upon transfer to a new owner as provided above, continued compliance with the requirements of this section in a form acceptable to the Building Commissioner.~~

~~49~~18. Termination. A property owner who chooses to discontinue an accessory dwelling unit shall notify the Building Commissioner in writing within 30 days following such action.

~~20~~19. Enforcement. A property owner who fails to recertify as required an accessory dwelling unit or otherwise comply with all provisions of this section shall be subject to regulatory enforcement by the Building Commissioner. The Building Commissioner shall seek advice and counsel from the Director of Planning and Community Development when there is any question in the application of the criteria contained in this Section and in the approval of any permit for accessory dwelling unit approval.

The Building Commissioner may re-inspect the property for compliance with the Zoning By-Law and health and safety regulations, including but not limited to when there is a change of ownership.

~~21~~20. Public listing of approved units. A listing of all accessory dwelling units shall be maintained by the Town in such a manner as to be accessible on the Town of Brookline website.

Amend §4.05.3.c as follows and renumber all remaining subparagraphs:

- c. Pre-existing unauthorized accessory dwelling units may be approved by the Building Commissioner subject to the following requirements:
 - 1. The property owner shall submit an application request in a form prescribed by the Building Commissioner;
 - ~~2. The property owner must provide evidence, in a form satisfactory to the Building Commissioner, that the accessory dwelling unit was constructed five or more years prior to the date of adoption of this Bylaw section.~~
 - ~~3.~~ 2. The pre-existing accessory dwelling unit must comply with all requirements of the accessory dwelling unit section of the Zoning Bylaw; however, the Building Commissioner may approve an accessory dwelling unit with habitable space not exceeding the lesser of 1200 square feet or 40 percent of the floor area of the principal building.
 - ~~4.~~ 3. Before approval of an existing accessory dwelling unit, the Building Department shall conduct an onsite inspection for compliance with all applicable Building Code requirements and other applicable provisions of this Section.

or act on anything relative thereto.

ARTICLE 14

Submitted by: Zero Emission Advisory Board (ZEAB)

To see if the Town will amend the Zoning By-law as follows:

By amending Section 2.05, “E” Definitions, to add the following new paragraph (additions are underlined and deletions are strike-throughs):

- 1. Energy-Saving Device: Any facility, equipment, apparatus or the like which makes use of non-fossil fuel sources for lighting, heating or cooling, or vehicular charging, or which reduces the use of other types of energy dependent on fossil fuel for generation. Conventional cooling systems powered by electricity or other fuel sources shall be excluded from this definition.
- ~~2.~~ 2. Erect: To construct or reconstruct or excavate, fill, drain, or conduct physical operations of any kind in preparation for or in pursuance of construction or reconstruction, or to move a building or structure upon a lot.

By amending Article V to add the following new Section 5.75:

Sec. 5.75 Encroachments into Required Side and Rear Yard Setbacks: Energy-Saving Devices

- 1. Location and Dimensions
 - a. Energy-Saving Devices are prohibited in the Front Yard as defined in Sec. 2.25.1 and on the elevation of a Building corresponding to a Front lot line, but may

encroach into required Side Yard setbacks and required Rear Yard setbacks, provided that:

- i. at least two feet or the distance specified by the manufacturer, whichever is greater, is maintained from the vertical plane of the side and rear lot lines and
 - ii. all requirements under this Section and under applicable laws and regulations otherwise are met.
- b. Ground-mounted Energy-Saving Devices shall be located per manufacturer's installation requirements and as close as possible to the building it serves to the satisfaction of the Building Commissioner or their designee.

2. Screening

- a. Roof-mounted Energy-Saving Devices, except for solar panels, shall be screened to a height that is equal to or greater than that of the mechanical equipment.
- b. The height of roof-mounted Energy-Saving Devices including supporting bases and associated screening shall not exceed 10 feet unless a Special Permit is granted by the Board of Appeals under Section 5.31.

3. Noise

- a. Energy-Saving Devices shall comply with the Town's Noise By-law.

4. Historic Buildings

- a. Buildings listed in or eligible for listing in the National Register of Historic Places shall comply with Article 5.3, the Town's Demolition Delay By-law. For parcels in the Harvard Street Main Street District that also are in the Brookline Village National Register District, Article XI also applies.
- b. Buildings located in Local Historic Districts shall comply with Article 5.6 and relevant Local Historic District Guidelines.

5. Exceptions

- a. Mechanical equipment and Energy-Saving Devices on buildings within the Harvard Street Main Street District are subject to Article XI Section 11-5.08.

- b. The Board of Appeals may issue a Special Permit pursuant to Sec. 5.43 to substitute a reduction of the minimum required setback set forth in Sec. 5.75.1.a.i. This provision is not applicable to the Harvard Street Main Street District.
- c. A Yard abutting an alley to the rear shall not be considered a Front Yard solely for the purposes of this Section.

6. Exemptions

- a. The location of backup generators and pool and spa heaters are subject to Sections 5.63 and 5.72, accessory structures in side and rear yards.
- b. Energy Storage Systems (ESS), as defined, regulated, and permitted under the National Fire Protection Association (NFPA) standards, may be located in required Side and Rear Yards pursuant to the setback requirements in Sections 5.63 and 5.72.
- c. Below-grade energy systems, such as ground-source or geothermal heat pump installations, are exempt from Section 5.75 and may fully encroach into required Yard setbacks, subject to compliance with applicable statutes and regulations including but not limited to:
 - i. M.G.L. c.131, sec. 40 and 310 CMR 10.00, Wetlands Protection;
 - ii. M.G. L. c.21, sec. 43, Discharge of Pollutants;
 - iii. 310 CMR 15.000, the State Environmental Code, Title 5;
 - iv. 780 CMR Massachusetts Building Code;
 - v. 248 CMR Massachusetts Uniform Plumbing Code;
 - vi. Brookline Floodplain By-laws;
 - vii. Brookline Conservation Commission Regulations; and
 - viii. Brookline Board of Health Regulations.
- d. Roof-mounted solar photovoltaic panels may encroach in required Yard setbacks, subject to compliance with NFPA standards and manufacturer's specifications.
- e. Ground solar photovoltaic panels are regulated under Table 4.07 Use 40D and Use 61 and Section 5.06.4.h, Renewable Energy Overlay District.

or act on anything relative thereto.

ARTICLE 15

Submitted by: Neil Gordon, TMM1

To see if the Town will amend its General Bylaws to include the following:

ARTICLE [X.X] CONSTABLES

SECTION [X.X.1] TERMS OF OFFICE There shall be five Constables, elected for three year staggered terms.

SECTION [X.X.2] GENERAL AUTHORITY Constables shall have the responsibilities and authority defined by Massachusetts General Laws and common law.

SECTION [X.X.3] EFFECTIVE DATE This Article [X.X] shall be effective as soon as is practicable, as determined by the Town Clerk.

SECTION [X.X.4] TRANSITION TO STAGGERED TERMS In the first election of Constables pursuant to the provisions of this Article [X.X], the persons receiving the first and second most votes shall serve three years, the persons receiving the third and fourth most votes shall serve two years, and the person receiving the fifth most votes shall serve one year. In case of a tie vote affecting the length of terms, as aforesaid, the elected Constables shall by ballot determine the same.

Or act on anything related thereto.

ARTICLE 16

Submitted by: Select Board

To see if the Town will amend BYLAW 3.14.1 (Commission for Diversity, Equity, Inclusion and Community Relations) by changing the number of members from 15 (current bylaw) to 9 (amended bylaw) through the following revised language (deletions struck, additions in **bold**).

(No changes to BYLAW 3.14.1 except to Section B)

(B) The Commission.

The Commission shall consist of ~~fifteen (15)~~ **nine (9)** residents, who shall be called Commissioners. Commissioners shall be appointed by the Select Board and hold office for a period of not more than three (3) years with terms of office expiring on August 31 of an appropriate year in a staggered manner so that approximately one-third (1/3) of the terms of the Commissioners will expire each year. A Commissioner whose term is expiring is expected to submit their renewal application to the Select Board not later than August 1 of the expiration year. The term of a Commissioner who does not submit a renewal application in a timely manner shall expire on August 31 of that year. The term of a Commissioner who submits a timely renewal application shall then be extended until notified by the Town Administrator that the renewal application has been acted upon. If the application is denied, the term of that Commissioner shall expire five days after the date of the denial letter. If the application is approved, the term shall expire on August 31 of the year specified in the approval letter. The Select Board may appoint additional non-voting associate members (Section 3.1.5) as it determines to be necessary, which may include youth or persons who do not reside in Brookline but have a substantial connection to Brookline or to the Brookline Public Schools. The Select Board shall appoint the Chair of the Commission and

select a member of the Select Board to serve ex officio as a non-voting member of the Commission. A quorum of the Commission shall consist of a majority of the voting members on the Commission, with a minimum of ~~six~~ **four**.

ARTICLE 17

Submitted by: Chief of Police Jennifer Paster

To see if the Town will authorize and empower the Select Board to file a petition, in substantially the following form, with the General Court for a special act providing for the creation of special police officers to perform police details, and authorize the General Court to make any revisions that are necessary or appropriate to the form of such bill:

AN ACT AUTHORIZING THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF BROOKLINE.

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

SECTION 1. Subject to the approval of the town administrator of the Town of Brookline, the Chief of Police of the town of Brookline may appoint retired Brookline police officers as special police officers for the purpose of performing police details or any police duties arising from police details or during the course of police detail work, whether or not related to the detail work. The retired police officers shall have been regular Brookline police officers and have been retired based on superannuation. A retired police officer shall not be appointed under this act as a special police officer if the officer has been retired for more than 5 years. A special police officer appointed under this act shall not be subject to the same maximum age restrictions applied to regular Brookline police officers under chapter 32 of the General Laws; provided, however, that a special police officer shall not be able to serve if the special police officer has reached the age of 70. Prior to performing police details, a special police officer appointed under this act shall pass a medical examination by a physician or other certified professional chosen or agreed to by the department to determine that the retired police officer is capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officer.

SECTION 2. A special police officer appointed under this act shall not be subject to chapter 31 of the General Laws, section 99A of chapter 41 of the General Laws, chapter 150E of the General Laws or chapter 151A of the General Laws.

SECTION 3. A special police officer appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and perform other police functions as regular police officers in the town of Brookline.

SECTION 4. A special police officer appointed under this act shall be appointed for an indefinite term, subject to suspension or removal by the chief of police with approval by the town administrator at any time. A special police officer shall be provided 14 calendar days written notice prior to a permanent removal.

SECTION 5. A special police officer appointed under this act shall be subject to the rules, regulations, policies, procedures and requirements of the chief of police including, but not limited to:

(i) restrictions on the type of detail assignments; (ii) requirements regarding medical examinations to determine continuing capability to perform the duties of a special police officer; (iii) requirements for training; (iv) requirements for firearms licensing and qualifications; (v) requirements for maintaining a medical insurance policy; (vi) and requirements regarding uniforms and equipment. A special police officers shall not be subject to section 96B of chapter 41 of the General Laws. The cost of all training, uniforms, and equipment shall be borne by the special police officer.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk of the town of Brookline who shall keep a record of all such appointments.

SECTION 7. Sections 100 and 111F of chapter 41 of the General Laws shall not apply to a special police officer appointed under this act. A special police officer appointed under this act shall not be subject to section 85h or 85h ½ of chapter 32 of the General Laws nor eligible for any benefits pursuant thereto.

SECTION 8. Appointment as a special police officer under this act shall not entitle the appointee to any assignment to any detail.

SECTION 9. A retired Brookline police officer serving as a special police officer under this act shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws.

SECTION 10. This act shall take effect upon its passage,

or act on anything relative thereto.

ARTICLE 18

Submitted by: Anthony Buono, TMM-17

To see if the Town will adopt the following resolution:

RESOLUTION TO CREATE A SOCIAL WEALTH FUND STUDY COMMITTEE

WHEREAS Brookline cannot effectively solve problems related to intergenerational poverty, economic insecurity, and general social welfare, due to a lack of funds.

WHEREAS municipalities should invest a small portion of the town's revenue into a Social Wealth Fund that can hold assets such as Exchange-Traded Funds or Index Mutual Funds that accumulate value over time to benefit from the general growth of the nation's economy.

WHEREAS Massachusetts state law Chapter 40, Section 5B allows municipalities to establish special purpose stabilization funds for any goal, including a Social Wealth Fund.

WHEREAS other Massachusetts municipalities have already established special purpose stabilization funds to tackle large long-term problems.

WHEREAS Brookline should look for additional ways to increase available funds to ensure initiatives to improve social welfare do not fall too harshly on those with fixed incomes.

WHEREAS the intricacies of establishing a special purpose fund such as a Social Wealth Fund and laying out investment strategies and funding mechanisms require long-term planning and expert advice.

WHEREAS the Massachusetts state laws related to the investment classes in which municipalities are allowed to invest public money require additional research.

WHEREAS the assessment of how Brookline could establish a Social Wealth Fund requires careful and thorough analysis.

NOW THEREFORE, be it resolved, that Town Meeting requests that the Select Board appoint, within sixty (60) days following the Town Meeting vote, a committee comprised of one or more Select Board members as well as other community members, including those who have relevant expertise in financial regulations and municipal finance to explore how Brookline can form a Social Wealth fund.

or act on anything relative thereto.

ARTICLE 19

Submitted by: Neveen Taher, Beth Miller , Emma Nash, Omar Mabrouk

To see if the Town will adopt the following resolution:

RESOLUTION ASKING BROOKLINE TOWN MEETING TO JOIN THE CALL FOR A CEASEFIRE & A LASTING PEACE:

WHEREAS, The deliberate targeting or kidnapping of civilians is a war crime under international law; and

WHEREAS, On October 7, 2023, the Palestinian militant group Hamas launched a terrorist attack on Israel, killing more than 1,200 people, and taking 240 hostages into the Gaza Strip; and

WHEREAS, In response to this attack, the state of Israel is engaging in an intense military campaign and collective punishment against the Palestinian people in Gaza; and

WHEREAS, As of the time of this writing, the Israeli bombardment of Gaza has killed more than 30,000 Palestinians—including more than 12,000 children—and destroyed or damaged more than 70 percent of all homes; and

WHEREAS, The state of Israel has shut off access to electricity, drinking water, food, and humanitarian aid in Gaza, all of which constitutes collective punishment; and

WHEREAS, Israeli airstrikes have hit refugee camps; ambulance convoys; schools; roads; hospitals; and purported safe zones; and

WHEREAS, Collective punishment is considered a war crime under international law, and refers to a form of sanction imposed on persons or a group of persons in response to a crime committed by one of them or a member of the group; and

WHEREAS, Due to these compounding humanitarian crises, hundreds of thousands of lives—including the 130 Israeli hostages remaining in Gaza—are at imminent risk of communicable disease or starvation if a ceasefire is not achieved and humanitarian aid delivered without delay; and

WHEREAS, The US Federal Government holds immense diplomatic and political power to save civilian lives; and

NOW, THEREFORE, BE IT RESOLVED That the Town of Brookline calls for an immediate humanitarian ceasefire and the safe passage of substantial humanitarian aid to Gaza; and

BE IT FURTHER RESOLVED That the Town of Brookline mourns for the thousands of people killed over the past 4.5 months, starting on (and including) October 7, 2023; and

BE IT FURTHER RESOLVED That the Town of Brookline calls for the immediate safe return of the hostages and the cessation of all military acts; and

BE IT FURTHER RESOLVED That the Town of Brookline vows to combat antisemitism, Islamophobia, and all forms of religious and ethnic hatred; and

BE IT FURTHER RESOLVED That the Town of Brookline opposes unconditional military aid to Israel; and

BE IT FURTHER RESOLVED That the Town of Brookline calls for a political solution guaranteeing freedom, equality, and democratic representation for all in Palestine and Israel—the only way to secure a just and lasting peace; and

BE IT FURTHER RESOLVED That the Town of Brookline calls upon the Massachusetts Federal delegation to act in accordance with this resolution.

or act on anything relative thereto.

ARTICLE 20

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Select Board at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 5th day of March, 2024.

SELECT BOARD



BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM AND ZOOM REMOTE MEETING IN SAID TOWN ON TUESDAY, May 28, 2024 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.

CONSTABLE

DATE