



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 at the High School Auditorium in said Brookline on TUESDAY, the NINETEENTH day of MAY, 2020 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 FY2021 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, 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 6

Submitted by: Select Board

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2021 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 7

Submitted by: Select Board

To see if the Town will vote to appropriate, borrow or transfer from available funds, a sum of money, to be expended under the direction of the Building Commission, with any necessary contracts to be approved by the Select Board and the School Committee to renovate and expand Brookline High School, including the acquisition and reconstruction of the property located at 111 Cypress Street and renovations or repairs to Brookline High School, the Evelyn Kirrane Aquatic Center, the Unified Arts Building, the 66 Tappan Street Gym, and Cypress Field, or act on anything relative thereto.

ARTICLE 8

Submitted by: Advisory Committee

To see if the Town will:

A.) Fiscal Year 2021 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 2021 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 a stabilization fund as provided for in General Laws Chapter 40, Section 5B; 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 2021 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$215,000, 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 repairs to garage floors.
- 2.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Building Commissioner for the rehabilitation of Town buildings.
- 3.) Appropriate \$450,000, 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 replacement of the fire station alerting system.
- 4.) Appropriate \$900,000, 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 upgrades/replacement of the Police and Fire Department's radio infrastructure.
- 5.) Appropriate \$81,500, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Select Board, for traffic calming studies and improvements; provided that the Department of Public Works and Transportation Board provide status reports to the Select Board on a semi-annual basis.

- 6.) Appropriate \$125,000, 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 bicycle access improvements.
- 7.) Appropriate \$322,080, 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 parking meter technology upgrades.
- 8.) Appropriate \$2,649,916, 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.
- 9.) Appropriate \$336,000, 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.
- 10.) 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 storm water improvements.
- 11.) Appropriate \$2,000,000, 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 water system improvements.
- 12.) Appropriate \$280,000, 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 water meter transmission unit (MTU) replacements.
- 13.) 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.
- 14.) Appropriate \$260,000, 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 repairs to the elevator at the Netherland's Road facility.
- 15.) Appropriate \$2,200,000, 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.
- 16.) Appropriate \$1,150,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, for the renovation of Robinson Playground.

- 17.) Appropriate \$160,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, for the design of the renovation of Schick Playground.
- 18.) Appropriate \$310,000, 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.
- 19.) Appropriate \$165,000, 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 Town and School grounds.
- 20.) Appropriate \$235,000, 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.
- 21.) Appropriate \$70,000, or any other sum, to be expended under the direction of the Chief Procurement Officer for school furniture upgrades.
- 22.) Appropriate \$150,000, 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 HVAC equipment in Town and School facilities.
- 23.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner for the removal of underground tanks at Town and School facilities.
- 24.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Building Commissioner for ADA renovations to Town and School facilities.
- 25.) 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 Select Board for elevator renovations in Town and School facilities.
- 26.) Appropriate \$190,000, 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 energy conservation projects in Town and School facilities.
- 27.) Appropriate \$125,000, 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 upgrades to energy management systems in Town and School facilities.

- 28.) Appropriate \$3,100,000, 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 roof repairs/replacements to Town and School facilities.
- 29.) Appropriate \$300,000, 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 fire alarm upgrades in Town and School facilities.
- 30.) Appropriate \$160,000, 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 Board of Select Board and, with respect to School Buildings, by the School Committee, for improvements to life safety systems and building security in Town and School facilities.
- 31.) Appropriate \$6,573,751, or any other sum, to be expended under the direction of the School Superintendent, with any necessary contracts to be approved by the Select Board and School Committee, for the expansion of classroom capacity in various schools.

C.) Funding

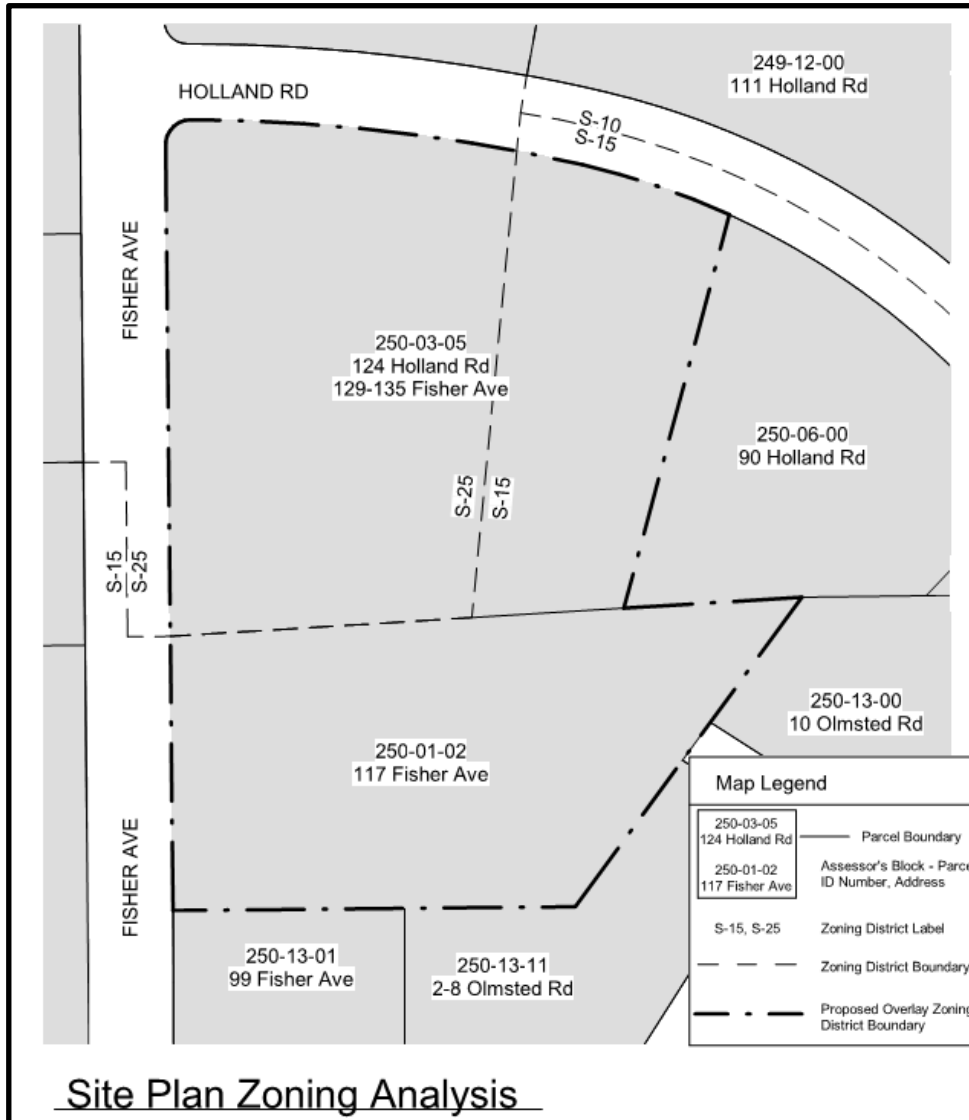
And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; and authorize 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 9

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will amend the Zoning By-Law and Zoning Map as follows:

1. By adopting the following map change, adding a Fisher Hill Special Overlay District as shown below, including: parcels with Tax Parcel Identifications 250-03-05 (124 Holland Road and 129-135 Fisher Avenue) and 250-01-02 (117 Fisher Avenue).



2. By amending Section 3.01.4 by adding a new item at the end:

“g. Fisher Hill Special Overlay District”

3. By amending Section 4.07 – Table of Use Regulations – to allow for life care facilities on lots less than 5 acres but greater than 3 acres in the overlay district, by adding a sentence at the end of the description of Use 6A in the Use Table, underlined below:

Use 6A, Life care facilities, incorporating independent apartment living units for elders combined with supportive medical, nursing or other shared facilities.

*Allowed by special permit only on lots greater than 5 acres, but within the Fisher Hill Special Overlay District, the minimum lot size shall be 3 acres.

4. By amending Section 5.01 – Table of Dimensional Requirements – by adding Footnote 22 after the words “Any other structure or principal use” in the rows for the S-25 and S-15 Districts, which Footnote 22 shall also be added at the end of the Table and read as follows:

“22. See Section 5.06.4 – Special District Regulations, subsection 1. Fisher Hill Special Overlay District with respect to uses and all dimensional requirements.”

5. By amending Section 5.06.4 – Special Districts – by adding a new item as follows:

“1. Fisher Hill Special Overlay District

- 1) *It has been determined through study of the former Newbury College campus that the potential exists for careful, planned redevelopment. It has further been determined that, due to the surrounding residential development pattern, and the municipal need for housing for an aging population, assisted living residential uses in a life care facility designed with a similar architectural character as the neighborhood are appropriate. Benefits to the community include maintenance for adaptive reuse of the Mitton House and creating a public easement along Fisher Avenue to preserve mature shade trees, and are significant reasons for why additional density may be allowed by Special Permit under the criteria of this section.*
- 2) *At any point prior to December 31, 2020, an applicant may seek relief by Special Permit under this Overlay District by completing the Design Review preapplication process as set forth in Section 5.09 (3)(a)(2) provided the proposed project includes the following requirements and limitations:*
 - a. *Includes a minimum of three acres of contiguous land.*
 - b. *Includes a life care facility with a maximum of 160 units as its primary use including all related accessory uses.*
- 3) *The Board of Appeals may grant a Special Permit under this section allowing for a project that meets the following requirements and limitations. Conformance with said requirements and limitations shall be made conditions of the Special Permit.*
 - a. *Open Space*
 - i. *The project must dedicate a minimum of 40% of lot area towards Open Space. For the purposes of this requirement,*

Open Space shall include parts of a lot at ground level that are contiguous landscaped areas and walkways that include planted containers, landscaped beds, and/or street trees. Usable open space is not a requirement for this use.

*ii. The open space requirements of **Table 5.01 — Table of Dimensional Requirements** may be reduced in accordance with Site Plan Review as noted in **Section 5.06.4.1.4** below.*

b. Parking

i. 98 parking spaces shall be provided with a minimum of 43 concealed.

ii. The number of parking spaces required per Article 6 of the Zoning By-Law may be reduced at the request of the applicant, following review of a parking study and favorable recommendation by the Planning Board.

iii. Parking area setback along the southern lot line shall be no less than 20 feet.

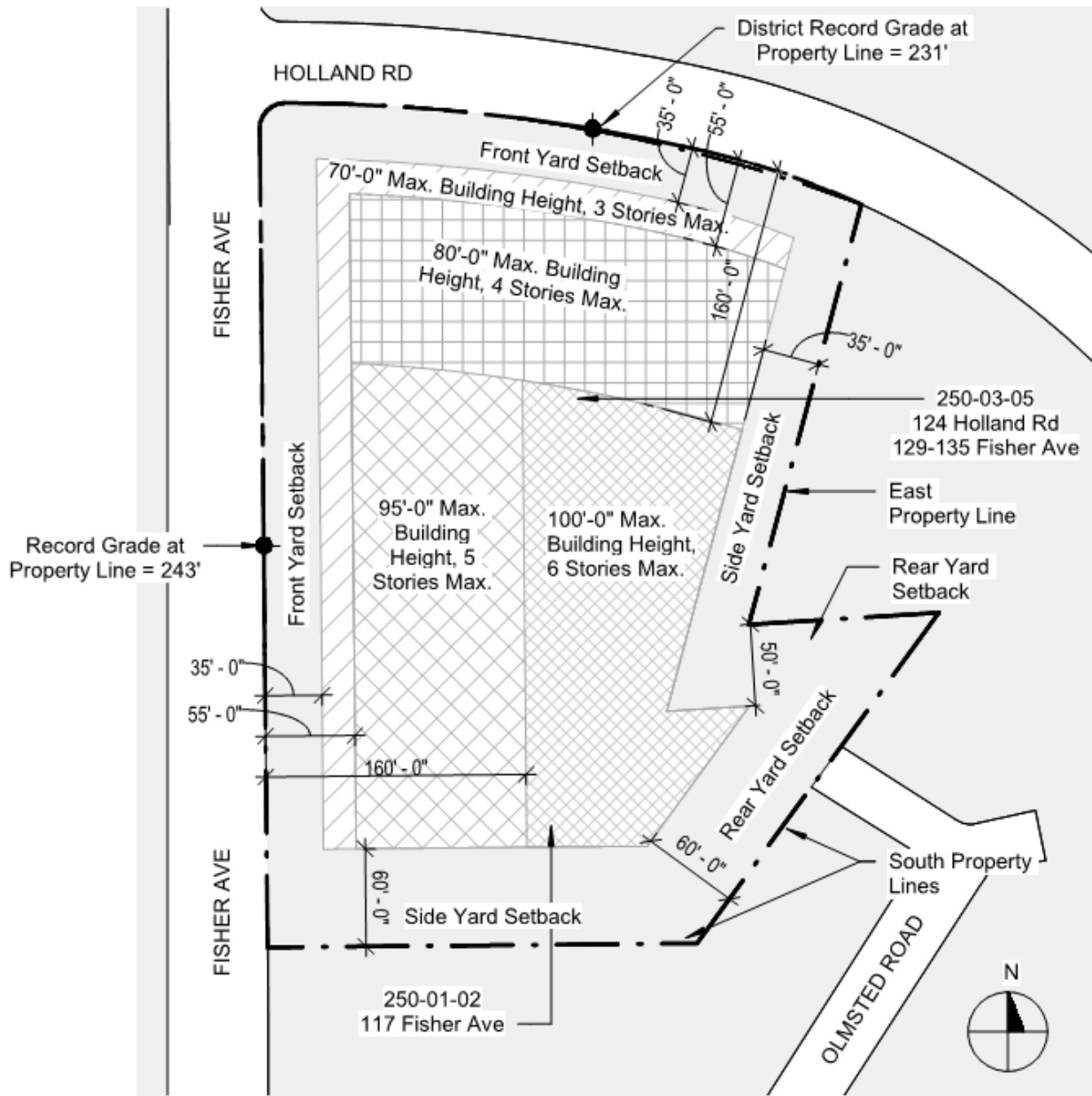
iv. The parking and drive requirements under Section 6.04, including stall width and depth, aisle width, and width of entrance and exit drives, may be modified in accordance with Site Plan Review as noted in Section 5.06.4.1.4 below.

v. Once a minimum of five years have passed since the issuance of a Certificate of Occupancy for any project promulgated pursuant to a Special Permit granted under this Section, the holder of said Special Permit may seek modification of the Special Permit to allow the provision of fewer than 98 spaces, but only through a reduction in the number of non-concealed parking spaces and only upon a showing to the Zoning Board of Appeals that such a reduction will not impact the neighborhood.

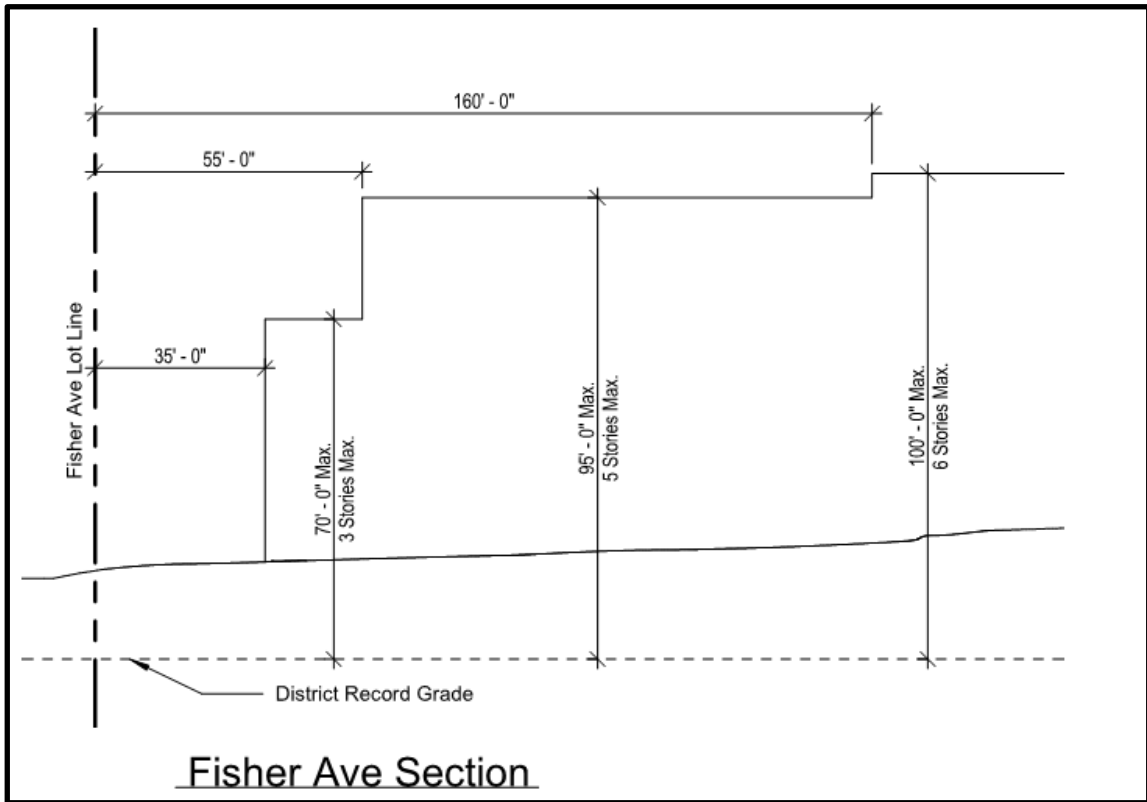
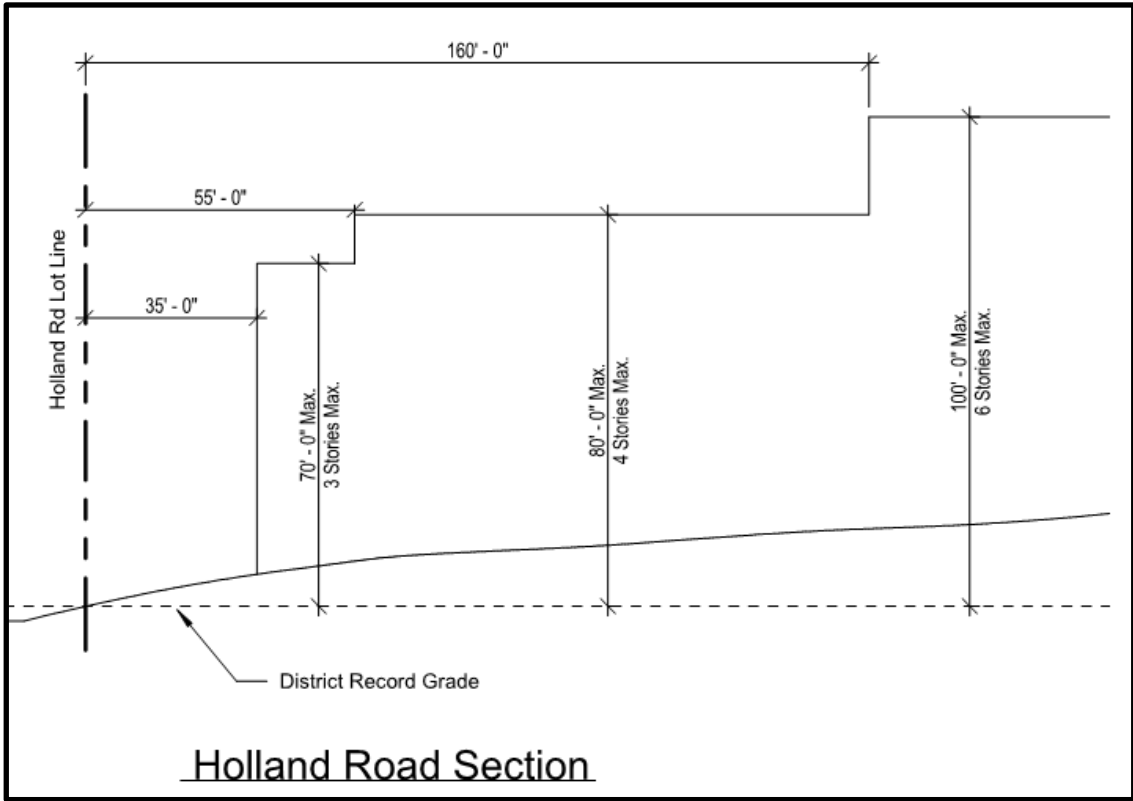
c. The Gross Floor Area Ratio for a project permitted pursuant to this section shall not exceed 1.15.

d. The maximum building height shall be 70' and three stories max. for portions of a building that are within 55' of Fisher Avenue and Holland Road. The maximum building height shall be 80' and four stories max. for portions of a building that are within 160' of Holland Road. The maximum building height shall be 95' and five stories max for portions of a building that are within 160' of Fisher Avenue. Otherwise, the maximum building height is 100' and six stories max. The maximum number of stories does not include basements or means of egress. These maximum building

heights do not include rooftop structures such as elevator penthouses, chimneys, mechanical equipment, and mechanical screens. Building heights shall be measured from the District Record Grade rather than as prescribed in Section 5.30. The District Record Grade shall be the record grade of the Holland Road property line at the midpoint of the Holland Road boundary of the Fisher Hill Overlay District. Refer to Building Height and Setback Diagram. The Board of Appeals may grant a Special Permit for projections into front yards that do not comply with Section 5.51.



Building Height & Setback Diagram



- e. The residential component of the project shall not include more than 160 living units. All 160 units may be market-rate.*
- f. Notwithstanding anything to the contrary in Section 4.08, for the purposes of satisfying the requirements of Section 4.08 the applicant may provide eighteen (18) affordable units off-site within 100 yards of the boundary line of this overlay district or make a cash payment not to exceed Six Million Five Hundred and Twenty Five Million Dollars (\$6,525,000).*
- g. Building setback requirements shall be as follows:
From Fisher Avenue, no less than 35 feet;
From Holland Avenue, no less than 35 feet;
From east side lot line, no less than 35 feet;
From southern side and southern rear lot lines, no less than 60 feet;
From the rear lot line, no less than 50 feet.
Refer to Building Height and Setback Diagram.*
- h. Accessory Structures allowed within the site setbacks include retaining walls, fencing, and utility equipment- ie generator and transformer. Setback for all structures is 6' min. from any lot line. Where required for emergency vehicle access, retaining walls and fencing can encroach on front yard setbacks.*
- i. Notwithstanding the provisions of Section 6.06.6, the number and size of required loading zones may be reduced in accordance with Site Plan Review as noted in Section 5.06.4.1.4 below. If the loading zone includes an area for trash and recycling this area for trash and recycling shall be enclosed. If the entire loading zone including the area for trash and recycling is fully enclosed, such area shall not count towards the project's total gross floor area.*
- j. Design Standards: During their review of all proposed building designs, both the Design Advisory Team and Planning Board shall consult the Fisher Hill Special District Design Guidelines developed by the Newbury Zoning Committee for guidance on general exterior massing, scale and design.*

4) Any application including new structures that seeks relief under this Overlay District shall:

a. *be subject to Site Plan Review by the Planning Board to ensure that there is adequate provision of access for fire and service equipment; ensure adequate provision for utilities and storm water storage and drainage; ensure adequate provision of loading zones; ensure adequate provision of parking; minimize impacts on wetland resource areas; minimize storm water flow from the site; minimize soil erosion; minimize the threat of air and water pollution; minimize groundwater contamination from on site disposal of hazardous substances; maximize pedestrian, bicycle and vehicle safety; screen parking, storage and outdoor service areas through landscaping or fencing; minimize headlight and other light intrusion; ensure compliance with the Brookline Zoning By Laws; maximize property enhancement with sufficient landscaping, lighting, street furniture and other site amenities; minimize impacts on adjacent property associated with hours of operation, deliveries, noise, rubbish and recycling removal and storage. All plans and maps submitted for site plan review shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts. Pursuant to the site plan review process, applicants shall provide to the Planning Board and the Director of Engineering a site plan showing:*

i. Demonstrated design compliance with any General By-Law related to erosion and sediment control and stormwater management;

ii. Property lines and physical features, including roads, driveways, parking for vehicles and bicycles, loading areas and trash storage for the project site; and

iii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, and exterior lighting.

b. *be deemed a Major Impact Project with respect to Section 5.09, Design Review.*

c. *include as a condition of the special permit a Transportation Access Plan Agreement (“TAPA”) approved by the Director of Transportation that includes Transportation Demand Management (“TDM”) programs.*

5) *Allowing the additional density through the Special Permit contemplated by this Section has a potential benefit contemporaneous with its inclusion in the By-Law. However, planning objectives potentially achieved by this Section may not be met if substantial time elapses. Therefore, if upon*

closing the public hearing on the Special Permit contemplated herein, the Board of Appeals finds: (a) more than two years has elapsed since the opening of the public hearing; and (b) the amount of elapsed time is, in the discretion of the Board, excessive and contravenes the planning objectives of this Section, the Board may deny the request for a Special Permit.

6. By amending Section 6.02, Paragraph 1, Table of Off-Street Parking Space Requirements – by adding a new footnote as follows:

*“4. For the Fisher Hill Special Overlay District, parking requirements shall be no less than 0.5 space per unit. **Section 6.02.2.h** shall not apply”.*

7. By amending Section 7.07 – Sign By-Law – Exceptions to the Above – by adding to Section 7.07.1 a new item at the end:

“f. The Board of Appeals may by special permit grant relief to the requirements of Section 7.01 for signage for the buildings in the Fisher Hill Special Overlay District subject, however, to compliance with the Design Review Procedures set forth in Section 7.08 and the Design Guidelines adopted for this district.”

...or act upon anything else relative thereto.

ARTICLE 10

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will accept a Restrictive Covenant, entitled “IN RE: The parcels known as 117 Fisher Avenue (Assessors’ Parcel I.D. No. 250-01-02) and 124 Holland Road (Assessors’ Parcel I.D. No. 250-03-05) Brookline, Massachusetts Tax Certainty Agreement”, in substantially the same form as the draft attached hereto and included herewith as Exhibit A and incorporated herein by reference, from Welltower, Inc., a Delaware Corporation, their successors and assigns (hereinafter collectively referred to as “Welltower”) relative to the land and buildings owned by Welltower and commonly referred to as 117 Fisher Avenue and 124 Holland Road in Brookline, Massachusetts (hereinafter collectively referred to as the “Site”) all as further described in the legal description below; such Covenant will be upon such terms and conditions as the Select Board deems in the best interests of the Town with respect to the proposed development of the Site and will provide for the future tax certainty of the land and buildings thereon, and authorize the Select Board to enter into any necessary agreement(s) in furtherance of the purposes of the Restrictive Covenant with respect to the future tax certainty of the land and buildings as more specifically set forth in the Restrictive Covenant.

Legal Description of the Site:

PARCEL ONE (117 Fisher Avenue):

BEGINNING at a monument in the easterly line of Fisher Avenue, thirteen hundred six (1,306) feet from Boylston Street at the northwest corner of the land conveyed to the Inhabitants of the Town of Brookline by Horace N. and John H. Fisher, thence

NORTHEASTERLY: on said land at right angles with said Avenue, 264.02 feet to a monument; thence
NORTHERLY: on said land 250.76 feet to a monument at a point where the fence bounding said land as it now runs makes an angle; thence
SOUTHWESTERLY: by a straight line drawn 414.92 feet to a point in the easterly line of said Avenue 180 feet northerly from the point of beginning, and thence
SOUTHERLY: by the easterly line of said Avenue 180 feet to the point of beginning.

Or however otherwise bounded and described. Containing sixty-three thousand seven hundred and seventy-five (63,775) square feet, more or less, according to a plan made by Fuller and Whitney dated August 11, 1884, and recorded with the Norfolk County Registry of Deeds in Book 559, Page 392.

PARCEL TWO (124 Holland Road):

A certain parcel of land, with the improvements thereon, situated on Fisher Avenue, Brookline, Massachusetts, and shown as the lot marked "C" on a plan entitled "Plan of Land in Brookline, Mass." by E. Worthington, Engineer, dated July 15, 1926, recorded with Norfolk County Registry of Deeds, Book 1707, Page 513, bounded and described as follows:

NORTHERLY by Holland Road by two measurements, 260.70 feet and 102.00 feet;
EASTERLY by land now or formerly of Herbert T. Boardman shown as the lot marked "D" on said plan 267.37 feet;
SOUTHERLY by Tract II herein, 298.18 feet;
WESTERLY by Fisher Avenue, 323.75 feet;
NORTHWESTERLY by the curve forming the southeast corner of said Holland Road and Fisher Avenue, 23.84 feet;

All as shown on said plan and containing 105,081 square feet of land, according to said plan.

OR ACT ON ANYTHING RELATIVE THERETO.

ARTICLE 11

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will authorize the Select Board to enter into any necessary agreement(s) and/or amendments to existing agreements or other action(s) required to carry out the terms and conditions set forth in that certain Memorandum of Agreement and related Tax Certainty Agreement, between the Town of Brookline (hereinafter referred to as the "Town") and Welltower Inc., and Welltower TRS Holdco LLC, their successors and assigns (hereinafter collectively referred to as "Welltower"). Welltower owns the parcels of land formerly occupied by Newbury College and commonly referred to as 117 Fisher Avenue and 124 Holland Avenue (said properties being sometimes referred to herein as the "East Parcel"); 110 Fisher Avenue, 150 Fisher Avenue, 146 Hyslop Road (a/k/a 129 Fisher Avenue) and 124 Fisher Avenue (said properties being collectively referred to as the "West Parcel"); and (ii) 125 Holland Road ("125 Holland"). Welltower intends to construct a senior living community on the East Parcel including 160 units, of which 80 will be independent living, 40 will be assisted living and 40 will be memory care (hereinafter referred to as the "Project"); as further described below, said Memorandum of Agreement to include the following terms at a minimum:

- 1) Offering the West Parcel for sale to the Town for \$14.8 million;
- 2) Providing two separate means for meeting the inclusionary zoning requirements imposed by the planned overlay district on the Project: (i) transferring the 125 Holland Road parcel to a qualified developer along with \$3.123 million in cash to allow for the construction of 18 affordable condominium units; or (ii) making a \$6.525 million payment in the Town's Affordable Housing Trust Fund;
- 3) Requiring Welltower to not object to certain conditions of the Special Permits related to the Project, including:
 - a) Sustainability commitments, including a commitment not to use natural gas or fuel oil except for the commercial kitchen, emergency generator, domestic hot water, and indoor swimming pool, and to construct the Project in a manner so as to be LEED-NCv4 Gold Certifiable;
 - b) Partnership with the Council on Aging or Brookline CAN on programming and events as well as a commitment to a yearly contribution to the Senior Center;
 - c) Additional commitments to sustainable design elements;
 - d) Historic documentation of the East Parcel buildings;
 - e) The provision of a Public Easement Area along Fisher Avenue and a commitment to maintain the existing trees within said Public Easement Area;
 - h) Maintenance and adaptive re-use of the Mitton House on the East Parcel into the Project;
 - i) Relocation of a Fisher Avenue crosswalk.
 - j) Job fairs and internship opportunities targeted to Brookline residents

- 4) Providing a 95-year Tax Certainty Agreement on the East Parcel which shall be a restrictive covenant;
- 5) Requiring that the agreement(s) be recorded in the chain of title; and upon any further terms and conditions that the Board deems in the best interest of the Town with respect to the proposed development of the said Site; and
- 6) Other terms and conditions that the Select Board deems in the best interest of the Town.

The legal descriptions of the parcels for the Site are as follows:

EAST PARCEL

PARCEL ONE (117 Fisher Avenue):

BEGINNING at a monument in the easterly line of Fisher Avenue, thirteen hundred six (1,306) feet from Boylston Street at the northwest corner of the land conveyed to the Inhabitants of the Town of Brookline by Horace N. and John H. Fisher, thence

NORTHEASTERLY: on said land at right angles with said Avenue, 264.02 feet to a monument; thence

NORTHERLY: on said land 250.76 feet to a monument at a point where the fence bounding said land as it now runs makes an angle; thence

SOUTHWESTERLY: by a straight line drawn 414.92 feet to a point in the easterly line of said Avenue 180 feet northerly from the point of beginning, and thence

SOUTHERLY: by the easterly line of said Avenue 180 feet to the point of beginning.

Or however otherwise bounded and described. Containing sixty-three thousand seven hundred and seventy-five (63,775) square feet, more or less, according to a plan made by Fuller and Whitney dated August 11, 1884, and recorded with the Norfolk County Registry of Deeds in Book 559, Page 392.

PARCEL TWO (124 Holland Road):

A certain parcel of land, with the improvements thereon, situated on Fisher Avenue, Brookline, Massachusetts, and shown as the lot marked "C" on a plan entitled "Plan of Land in Brookline, Mass." by E. Worthington, Engineer, dated July 15, 1926, recorded with Norfolk County Registry of Deeds, Book 1707, Page 513, bounded and described as follows:

NORTHERLY by Holland Road by two measurements, 260.70 feet and 102.00 feet;

EASTERLY by land now or formerly of Herbert T. Boardman shown as the lot marked "D" on said plan 267.37 feet;

SOUTHERLY by Tract II herein, 298.18 feet;
WESTERLY by Fisher Avenue, 323.75 feet;
NORTHWESTERLY by the curve forming the southeast corner of said Holland Road and Fisher Avenue, 23.84 feet;

All as shown on said plan and containing 105,081 square feet of land, according to said plan.

WEST PARCEL

PARCEL I - Tract I (124 Fisher Avenue):

A certain parcel of land situated in Brookline, Massachusetts, shown on a plan entitled "Plan of Land, Hyslop Road, Brookline, Norfolk County, Mass. Property Line Plan" by Yunits Engineering Co., Inc., Consulting Engineers, dated August 31, 1982 and recorded with said Registry as Plan No. 1057 of 1983, in Plan Book 307, bounded and described as follows:

EASTERLY on Fisher Avenue, one hundred and fifty (150) feet;
NORTHERLY on land now or formerly of Montrose Foundation, Inc., one hundred and sixty (160) feet;
WESTERLY on lot marked "27,329 S.F." on said plan, one hundred eighty and 80/100 (180.80) feet;
SOUTHEASTERLY on land now or formerly of the Sisters of the Holy Cross Inc., seventy seven and 15/100 (77.15) feet; and
SOUTHERLY on the same, eighty-nine and 27/100 (89.27) feet.

Containing twenty-five thousand and eighty-nine (25,089) square feet of land, more or less, according to said plan.

PARCEL II - Tract II (146 Hyslop Road):

A certain parcel of land situated in Brookline, Massachusetts, shown on a plan entitled "Plan of Land, Hyslop Road, Brookline, Norfolk County, Mass. Property Line Plan" by Yunits Engineering Co., Inc., Consulting Engineers, dated August 31, 1982 and recorded with said Registry as Plan No. 1057 of 1983, in Plan Book 307, bounded and described as follows:

WESTERLY on Hyslop Road by two curved lines, one measuring eighty-one and 6/100 (81.06) feet, the other measuring thirty-eight and 68/100 (38.68) feet;
NORTHERLY by two lines, one measuring thirty-five and 38/100 (35.38) feet, the other measuring one hundred (100) feet;

EASTERLY by a line, one hundred and eighty and 80/100 (180.80) feet;

SOUTHEASTERLY by a line, forty-eight and 30/100 (48.30) feet; and

SOUTHWESTERLY on land now or formerly of Judith Sprague, one hundred eighty- two and 53/100 (182.53) feet.

Containing twenty-seven thousand three hundred twenty-nine (27,329) square feet of land, more or less, according to said plan.

PARCEL III (110 Fisher Avenue):

BEGINNING at the northeasterly corner of the granted premises at a stone bound set in the southwesterly sideline of Fisher Avenue as shown on a plan hereinafter mentioned;

SOUTH 26° 17' 50" EAST by Fisher Avenue 120.00 feet to a point at remaining land of the Commonwealth of Massachusetts; thence

SOUTH 63° 42' 10" WEST by said land of the Commonwealth of Massachusetts 357.80 feet to a point at land now or formerly of Frank R. and Etta P. Pratt; thence

NORTH 39° 28' 50" EAST by said land of Pratt 168.59 feet to a stone bound; thence

NORTH 39° 29' 50" EAST 86.35 feet to a stone bound; thence

NORTH 39° 48' 50" EAST 39.39 feet to a stone bound; thence

NORTH 64° 02' 30" EAST 89.29 feet to the bound first mentioned and the point of beginning.

Containing twenty-six thousand nine-hundred fifty-one (26,951) square feet and being shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Water Division, Land in Brookline to be conveyed to Sisters of the Holy Cross of Massachusetts, The Archbishop Cushing College," dated September 16, 1958, Harold J. Toole, Director of the Water Division and Chief Water Supply Engineer, recorded with said Registry in Book 3700, Page 525.

Excluding so much of the premises that was conveyed by deed from Newbury College, Inc. to Syroos Sanicoff and Ronni M. Sanicoff dated April 28, 2003 and recorded in Book 18778, Page 143, which included the following parcel of land:

A certain parcel of land, now known as and numbered 154 Hyslop Road in said Brookline, shown as Lot A on a plan dated October 10, 2002 and entitled "Subdivision Plan of Land in Brookline, Massachusetts, Norfolk County, I. F. Hennessey Co.", recorded with said Registry as Plan No. 264 of 2003 in Plan Book 507, containing four thousand three hundred and forty-seven (4,347) square feet(+/-) of land.

PARCEL IV (150 Fisher Avenue):

Tract I:

Lot B on plan entitled "Plan of Land in Brookline, Mass." by Henry F. Bryant & Son, Inc., dated August 26, 1954, and recorded with Norfolk County Registry of Deeds in Book 3295, Page 593.

Containing 32,625 square feet, according to said Plan.

Being and intending to convey the same premises conveyed to the Grantor by Deed dated August 27, 1984 and recorded with said Registry in Book 6483, Page 351.

Tract II:

Lot A on plan entitled "Plan of Land in Brookline, Mass." by Henry F. Bryant & Son, Inc., dated August 26, 1954, and recorded with Norfolk County Registry of Deeds in Book 3295, Page 593.

Containing 28,510 feet, according to said Plan.

Being and intending to convey the same premises conveyed to the Grantor by Deed dated August 27, 1984 and recorded with said Registry in Book 6483, Page 351

125 HOLLAND

The premises at 125 Holland Road, Brookline, Massachusetts bounded and described as follows:

BEGINNING at a stone bound on the easterly side of Fisher Avenue about 15 feet northwesterly of Holland Road; thence running

NORTHWESTERLY	on said Fisher Avenue 127.50 feet; thence turning at a right angle and running
EASTERLY	by land now or late of Curtis and land now or late of Nash on two courses 215.82 feet and 53.10 feet; thence turning and running
SOUTHERLY	by land now, or late of Curtis 157.08 feet to Holland Road; thence turning and running
WESTERLY	on said Holland Road 224.12 feet to a stone bound, thence turning and running
NORTHERLY	on the street line 23.33 feet of beginning.

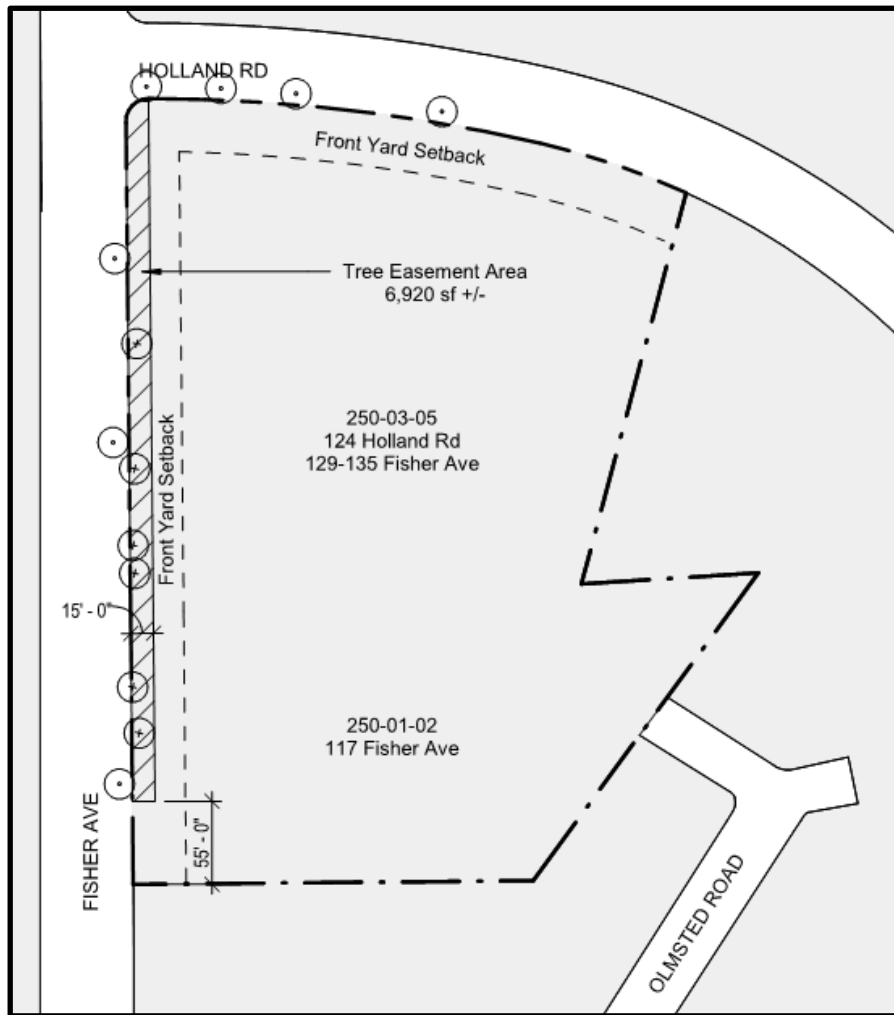
Containing 37,930 square feet of land, more or less, and being shown on plans by Ernest W. Bowditch, Engineer, recorded with said Registry in Book 807, Page 458; Book 1007, Page 553; and Book 1081, Page 378.

OR ACT ON ANYTHING RELATIVE THERETO.

ARTICLE 12

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will vote to authorize the Select Board, on such terms and conditions that are in the best interest of the Town, to accept a grant of easement from Welltower Inc., a Delaware corporation duly organized and existing under the laws of the Commonwealth of Massachusetts, or one of its successors or assigns (“Grantor”), over portions of land located at what is now known as 117 Fisher Avenue (Parcel I.D. No. 250-01-02) and 124 Holland Road, 129-135 Fisher Avenue (Parcel I.D. No. 250-03-05), Brookline, Massachusetts and substantially shown as Tree Easement Area, containing an area of approximately 6,920 s.f. +/-, on the sketch included with this Article for the purposes of maintaining six trees and a green buffer along Fisher Avenue in connection with Grantor’s development of a senior living facility at the site, said easement will be further described in an Easement Agreement and plan to be recorded at the Norfolk County Registry of Deeds upon future acceptance by the Select Board.



Or act on anything relative thereto.

ARTICLE 13

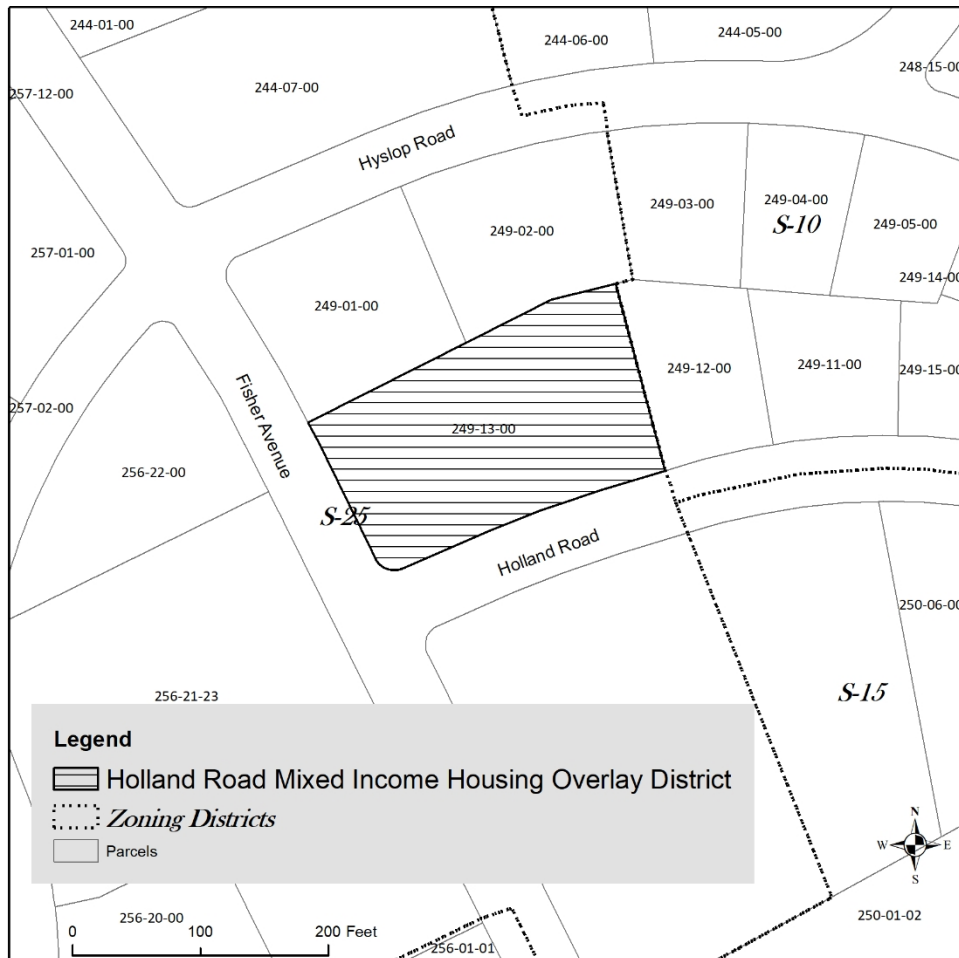
Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

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

1. By adopting the following map change: adding a Holland Road Mixed Income Housing Overlay District including the parcel located at 125 Holland Road (Tax Parcel Identification #s 249-13-00), as shown in the map below.

2. By amending Section 3.01.4 by inserting a new item “h” as follows:

h. Holland Road Mixed Income Housing Overlay District



3. By amending Section 5.06.4 by inserting a new item “m” as follows:

m. *Holland Road Mixed Income Housing Overlay District*

1) It is found that the parcel of land at 125 Holland Road, formerly a part of the Newbury College campus (the “Site”) has been identified by the Newbury Zoning

Committee, based on a recommendation from the Housing Advisory Board, as an appropriate site for mixed-income affordable housing development. For this reason, a developer may opt to develop the Site in accordance with the requirements of this overlay district.

- 2) Any applicant may seek relief under this overlay, provided the applicant's proposed development meets the following requirements:
 - a. It contains 18 Dwelling Units, contained in a single building.
 - b. Six (6) of the Dwelling Units on the Site must be Affordable Units (as defined in Section 4.08.2.c.) for households with incomes up to 80% of Median Income, defined in accordance with Section 4.08.2.f and which must also qualify for the Town's Subsidized Housing Inventory as per Massachusetts General Laws Chapter 40B and 760 CMR 56. Six (6) of the Dwelling Units on the Site must be Affordable Units for households with incomes up to 100% of Median Income. Six (6) of the Dwelling Units on the Site must be Affordable Units for households with incomes up to 150% of Median Income.
 - c. It has a viable plan for maintaining affordability for the longest period permitted by law that has been approved by the Department of Planning and Community Development.
- 3) Multi-Family Dwellings. Superseding any conflicting restrictions in Section 4 of the Zoning Bylaw, any development proposed pursuant to the requirements of this overlay district:
 - a. may include Multi-Family Dwellings;
 - b. is not required to meet the requirements of Section 4.08, with the exception that the development must meet the "Standards" requirements listed under Section 4.08.6. With respect to the standard for unit sizes described in 4.08.6.c, any project proposed pursuant to this section will be deemed to meet the standard if the average unit size for the units with the applicable bedroom count meets or exceeds the listed square footage, so long as no individual unit has less than 95% of the prescribed square footage.
- 4) All applications in the Holland Road Mixed Income Housing Overlay District shall be subject to §5.09, Design Review, including any applicable Design Guidelines adopted by the Planning Board. Further, the Zoning Board of Appeals shall be empowered to require such other conditions as it deems necessary to

bring the project into conformance with the goals of this overlay district, including a modification of the affordability requirements in 5.06.4.m2.b. The Zoning Board of Appeals may only grant a modification of the affordability requirements in 5.06.4.m.2.b that raises the applicable Median Income levels following a favorable recommendation from the Housing Advisory Board and in no case shall the affordability requirements be modified to provide fewer than 4 Affordable Units for households with incomes up to 80% of Median Income and 4 Affordable Units for households with incomes up to 100% of Median Income, and in no case can any of the Affordable Units be available for households with incomes greater than 150% of Median Income.

- 5) Dimensional and Parking Requirements. Any development proposed pursuant to the requirements of this overlay district shall be subject to the dimensional requirements listed below, superseding any conflicting requirements in Sections 5 and 6 of the Zoning Bylaw for the underlying zoning district. Any dimensional requirements not specified below shall be required according to the requirements of the underlying zoning district.
 - a. Lot size. A minimum lot size of 35,000 square feet shall be required.
 - b. Floor Area Ratio. An overall maximum Floor Area Ratio of 0.5 shall be permitted.
 - c. Height. A maximum height of 40 feet, measured from the record grade of the midpoint of the lot line along Holland Road, shall be permitted.
 - d. Setbacks. A minimum Front Yard setback of 30 feet, a minimum Side Yard setback of 40 feet, and a minimum Rear Yard setback of 40 feet shall be provided. Relief from these setback requirements may be sought under Section 5.43.
 - e. Open Space. A minimum amount of Landscaped Open Space of 40% of Gross Floor Area and a minimum amount of Usable Open Space of 10% of Gross Floor Area shall be provided.
 - f. Parking. Parking shall be provided at a minimum rate of 1 space per Dwelling Unit.

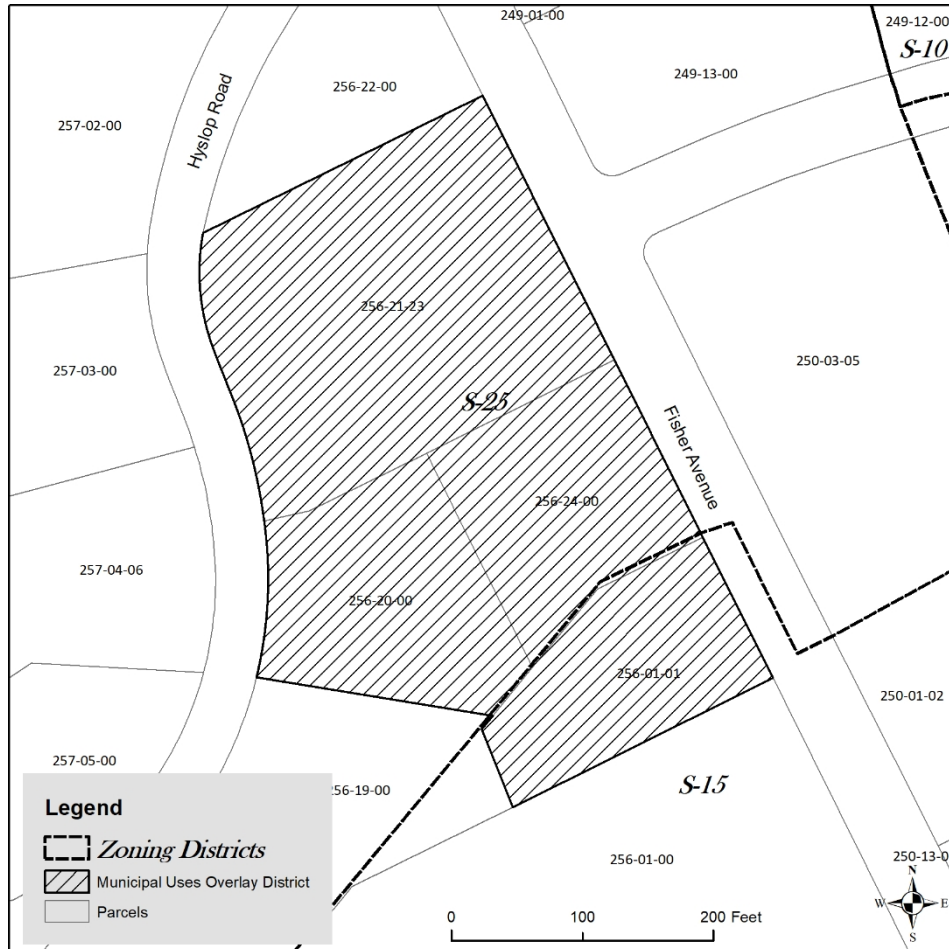
Or take any action thereto.

ARTICLE 14

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

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

- 4. By adopting the following map change: adding a Municipal Uses Overlay District including the 4 parcels located at 110 Fisher Avenue, 124 Fisher Avenue, 150 Fisher Avenue, and 146 Hyslop Road (Tax Parcel Identification #s 256-01-01, 256-24-00, 256-21-23, and 256-20-00), as shown in the map below.



- 5. By Amending §3.01.4 by inserting a new item “i” as follows:

- i. Municipal Uses Overlay District

- 6. By amending Section 5.06.4 by inserting a new item “n” as follows:

- n. Municipal Uses Overlay District

- 1) This overlay district is established where the Town finds that certain properties are suitable for the conduct of municipal uses having a minimal impact on surrounding properties and the neighborhood in which they are located. An applicant may opt to develop any property within this overlay district in accordance with the requirements of this overlay district.

- 2) Any applicant may seek relief under this overlay, provided the application meets the following requirements:
 - a. The use is one of the following:
 - i. Municipal or governmental offices, along with associated municipal support services contained within a building.
 - ii. A municipal or governmental educational facility, along with associated accessory uses.
 - iii. Library or museum, open to the public or connected with a permitted educational use, and not conducted as a private gainful business, provided that a Special Permit shall be required for such uses.
 - iv. Recreational facility owned or operated by an agency of the Town, provided that a Special Permit shall be required for such uses.

Or take any action thereto.

ARTICLE 15

Submitted by: Paul Saner, on behalf of the Newbury Zoning Committee

To see if the Town will vote to authorize the Select Board to acquire, by purchase, gift, eminent domain or otherwise, in fee simple, the parcels of land located at 110 Fisher Avenue, 124 Fisher Avenue, 150 Fisher Avenue, and 146 Hyslop Road (Tax Parcel Identification #s 255-01-01, 256-24-00, 256-21-23, and 256-20-00) including all buildings and structures thereon and all privileges and appurtenances thereto belonging, as well as all trees and shrubs thereon, for general municipal purposes, and for all purposes and uses accessory thereto, and that to meet such expenditure to appropriate a sum of money to be expended at the direction of the Select Board, to pay costs of acquiring said property, and for the payment of all costs incidental and related thereto, including refurbishment of the buildings thereon, and to determine whether such amount shall be raised by taxation, transfer from available funds, borrowing or otherwise; to authorize the Selectmen to apply for, accept and expend any grants from any source whatsoever that may be available to pay any portion of this project or to take any other action relative thereto.

Land Description:

PARCEL I - Tract I (124 Fisher Avenue):

A certain parcel of land situated in Brookline, Massachusetts, shown on a plan entitled "Plan of Land, Hyslop Road, Brookline, Norfolk County, Mass. Property Line Plan" by Yunits Engineering Co., Inc., Consulting Engineers, dated August 31, 1982 and recorded with said Registry as Plan No. 1057 of 1983, in Plan Book 307, bounded and described as follows:

EASTERLY on Fisher Avenue, one hundred and fifty (150) feet;

NORTHERLY on land now or formerly of Montrose Foundation, Inc., one hundred and sixty (160) feet;

WESTERLY on lot marked "27,329 S.F." on said plan, one hundred eighty and 80/100 (180.80) feet;

SOUTHEASTERLY on land now or formerly of the Sisters of the Holy Cross Inc., seventy seven and 15/100 (77.15) feet; and

SOUTHERLY on the same, eighty-nine and 27/100 (89.27) feet.

Containing twenty-five thousand and eighty-nine (25,089) square feet of land, more or less, according to said plan.

PARCEL II - Tract II (146 Hyslop Road):

A certain parcel of land situated in Brookline, Massachusetts, shown on a plan entitled "Plan of Land, Hyslop Road, Brookline, Norfolk County, Mass. Property Line Plan" by Yunits Engineering Co., Inc., Consulting Engineers, dated August 31, 1982 and recorded with said Registry as Plan No. 1057 of 1983, in Plan Book 307, bounded and described as follows:

WESTERLY on Hyslop Road by two curved lines, one measuring eighty-one and 6/100 (81.06) feet, the other measuring thirty-eight and 68/100 (38.68) feet;

NORTHERLY by two lines, one measuring thirty-five and 38/100 (35.38) feet, the other measuring one hundred (100) feet;

EASTERLY by a line, one hundred and eighty and 80/100 (180.80) feet;

SOUTHEASTERLY by a line, forty-eight and 30/100 (48.30) feet; and

SOUTHWESTERLY on land now or formerly of Judith Sprague, one hundred eighty- two and 53/100 (182.53) feet.

Containing twenty-seven thousand three hundred twenty-nine (27,329) square feet of land, more or less, according to said plan.

PARCEL III (110 Fisher Avenue):

BEGINNING at the northeasterly corner of the granted premises at a stone bound set in the southwesterly sideline of Fisher Avenue as shown on a plan hereinafter mentioned;

SOUTH 26° 17' 50" EAST by Fisher Avenue 120.00 feet to a point at remaining land of the Commonwealth of Massachusetts; thence

SOUTH 63° 42' 10" WEST by said land of the Commonwealth of Massachusetts 357.80 feet to a point at land now or formerly of Frank R. and Etta P. Pratt; thence

NORTH 39° 28' 50" EAST by said land of Pratt 168.59 feet to a stone bound; thence

NORTH 39° 29' 50" EAST 86.35 feet to a stone bound; thence

NORTH 39° 48' 50" EAST 39.39 feet to a stone bound; thence

NORTH 64° 02' 30" EAST 89.29 feet to the bound first mentioned and the point of beginning.

Containing twenty-six thousand nine-hundred fifty-one (26,951) square feet and being shown on a plan entitled "Commonwealth of Massachusetts, Metropolitan District Commission, Water Division, Land in Brookline to be conveyed to Sisters of the Holy Cross of Massachusetts, The Archbishop Cushing College," dated September 16, 1958, Harold J. Toole, Director of the Water Division and Chief Water Supply Engineer, recorded with said Registry in Book 3700, Page 525.

Excluding so much of the premises that was conveyed by deed from Newbury College, Inc. to Syroos Sanicoff and Ronni M. Sanicoff dated April 28, 2003 and recorded in Book 18778, Page 143, which included the following parcel of land:

A certain parcel of land, now known as and numbered 154 Hyslop Road in said Brookline, shown as Lot A on a plan dated October 10, 2002 and entitled "Subdivision Plan of Land in Brookline, Massachusetts, Norfolk County, I. F. Hennessey Co.", recorded with said Registry as Plan No. 264 of 2003 in Plan Book 507, containing four thousand three hundred and forty-seven (4,347) square feet(+/-) of land.

PARCEL IV (150 Fisher Avenue):

Tract I:

Lot B on plan entitled "Plan of Land in Brookline, Mass." by Henry F. Bryant & Son, Inc., dated August 26, 1954, and recorded with Norfolk County Registry of Deeds in Book 3295, Page 593.

Containing 32,625 square feet, according to said Plan.

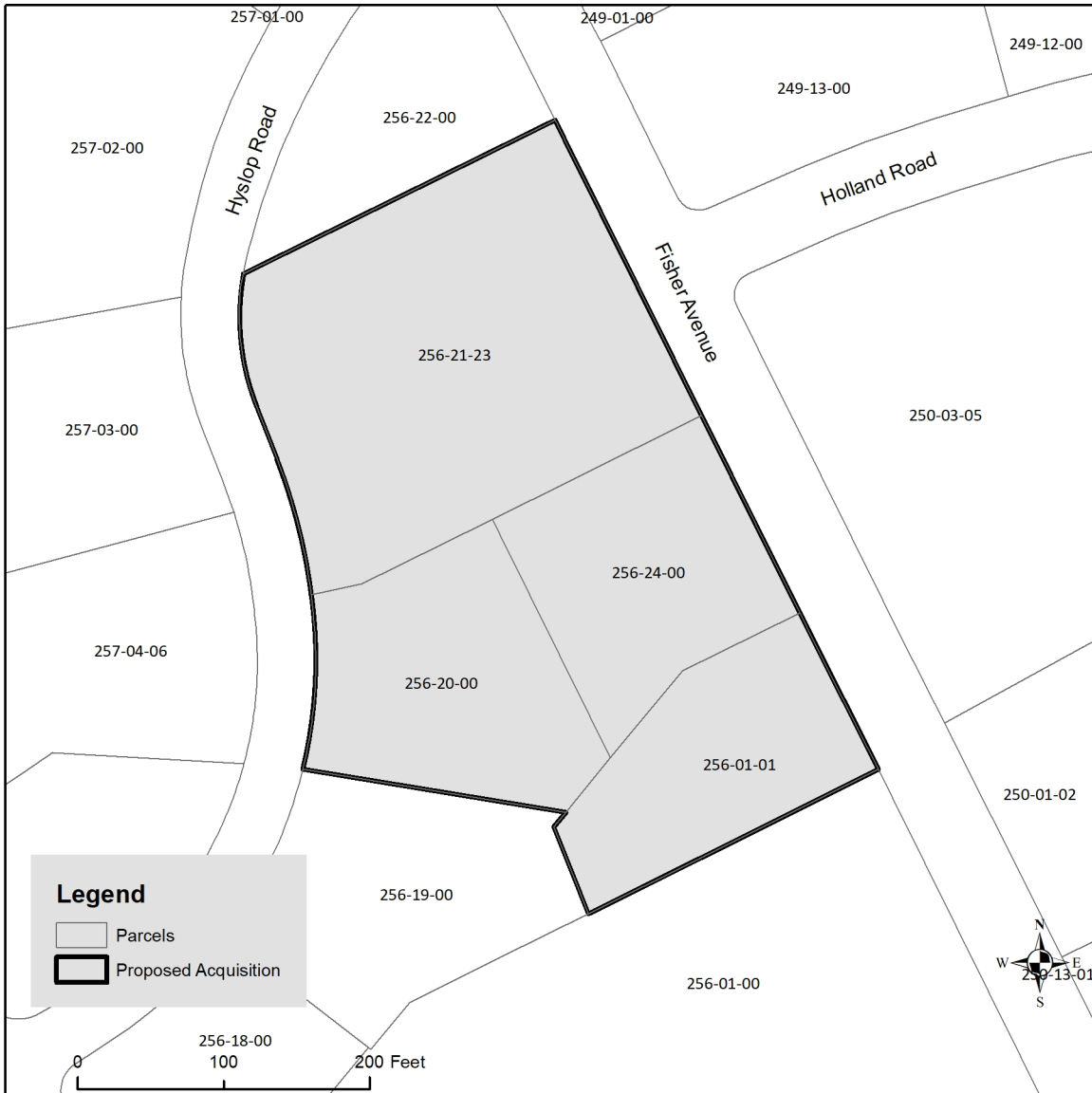
Being and intending to convey the same premises conveyed to the Grantor by Deed dated August 27, 1984 and recorded with said Registry in Book 6483, Page 351.

Tract II:

Lot A on plan entitled "Plan of Land in Brookline, Mass." by Henry F. Bryant & Son, Inc., dated August 26, 1954, and recorded with Norfolk County Registry of Deeds in Book 3295, Page 593.

Containing 28,510 feet, according to said Plan.

Being and intending to convey the same premises conveyed to the Grantor by Deed dated August 27, 1984 and recorded with said Registry in Book 6483, Page 351.



ARTICLE 16

Submitted by: Janice S. Kahn, TMM P15

To see if the Town will vote to authorize the Select Board to sell the parcels of land located at 15-19 Oak Street, Brookline, Massachusetts, consisting of approximately 8,209 square feet, including all buildings and structures thereon and all privileges and appurtenances thereto belonging and all interests held pursuant to M.G.L. c. 183A, as well as all trees and shrubs thereon, on such terms and conditions as the Select Board determines to be in the Town's best interest, or take any other action relative thereto.

Land Description:

A certain parcel of land with the buildings thereon known as and numbered 15 Oak Street, Brookline, MA, situated in Brookline, Norfolk County, Massachusetts, and bounded and described as follows:

- EASTERLY by Oak Street, sixty-two and 12/100 (62.12) feet;
- SOUTHERLY by Lot 10 on a plan hereinafter referred to, one hundred (100) feet;
- WESTERLY by land of owners unknown, sixty (60) feet;
- NORTHERLY by Lot 8 on said plan, eighty-five and 40/100 (85.40) feet;

Containing approximately 5,709 square feet of land and being Lot 9 on a plan of 18 house lots near Chestnut Hill Station, Brookline, drawn by Whitman and Breck, Surveyors, dated April 18, 1871, and recorded with Norfolk County Registry of Deeds in Book 410, Page 30.

Also, a certain parcel of land lying Southwesterly on Oak Street in said Brookline, bounded and described as follows:

- NORTHEASTERLY by said Oak Street, twenty-five (25) feet
- SOUTHEASTERLY by land formerly of the Rivers School and now of the Town of Brookline, one hundred (100) feet;
- SOUTHWESTERLY by land now or late of Carroll and by land formerly of Daniel F. McGuire, twenty-five (25) feet; and
- NORTHEASTERLY by other land formerly of Daniel F. McGuire, one hundred (100) feet.

Containing about 2,500 square feet of land, or however otherwise said premises may be bounded or described and be all or any of said measurements or contents more or less.

Said premises are shown on a “Plan of Land in Brookline, Mass”, dated September 18, 1941, by Walter A. Devine, Town Engineer, and recorded with Norfolk Registry of Deeds, Book 2369, Page 279.

Assessor’s Description:

<u>Address</u>	<u>Block-Lot-Sub lot</u>
15-19 OAK ST, Unit 15	432-18-01
15-19 OAK ST, Unit 17	432-18-02
15-19 OAK ST, Unit 19	432-18-03

ARTICLE 17

Submitted by: Select Board

To see if the town will dedicate all or a percentage, which may not be less than 25 percent, of the host community agreement fees collected under Massachusetts General Laws Chapter 94G Section 3(d) to the Marijuana Mitigation Stabilization Fund established under Massachusetts General Laws Chapter 40, Section 5B, effective for fiscal year 2021 beginning on July 1, 2020, or take any other action relative thereto.

ARTICLE 18

Submitted by: Planning Department

AUTHORIZATION TO ACCEPT MASSACHUSETTS GENERAL LAWS, CHAPTER 44, SECTION 55C - AFFORDABLE HOUSING TRUST FUND

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 44, Section 55C, and establish a trust known as the Brookline Affordable Housing Trust Fund, the purpose of which shall be to provide for the creation and preservation of affordable housing in the Town of Brookline for the benefit of low and moderate income households and for the funding of community housing.
Or take any other action relative thereto.

ARTICLE 19

Submitted by: Planning Department

To see if the Town will vote to amend Article 3.13 of the Town’s General By-laws (“Housing Advisory Board”) as follows (deletions appearing in ~~striketrough~~, additions appearing in **bold underline**):

ARTICLE 3.13 HOUSING ADVISORY BOARD

SECTION 3.13.1 PURPOSE

There is hereby created in the Town of Brookline a Housing Advisory Board, hereinafter called the Board, to report to and advise the Select Board, for the following purposes:

- a. to study and recommend housing policy for the town,
- b. to advise on the coordination of housing policy and programs within the town,
- c. to act as Trustees for funds received as gifts, grants, aid, reimbursements and payments for housing, including renewal, replacement and new construction,
- d. to propose plans and programs for relieving congestion; substandard, decadent or blighted areas; unsanitary or unsafe buildings; and for providing safe and sanitary dwellings for families and elderly persons of low or moderate income at rentals which they can afford;

e. to promote the preservation and creation of housing which is affordable to low **and** moderate ~~and upper moderate~~ income persons and households and families, and

f. to administer the Housing Trust, hereinafter established.

SECTION 3.13.2 MEMBERSHIP

The Housing Advisory Board shall consist of ~~seven~~ **eight trustees who shall be** residents of the town, five appointed by the Select Board for ~~three~~ **two** year staggered terms, and a member each of the **Select Board**, Planning Board and Brookline Housing Authority. Vacancies shall be filled for unexpired terms. Of the Select Board's appointees, one should be a low or moderate income tenant who demonstrates a knowledge of tenant issues. The other Select Board's appointees should have knowledge or experience in one or more of the following areas: government housing programs, housing or real estate finances, affordable housing development, design or urban planning, real estate law. The Select Board should ensure that all of these areas of expertise are represented on the Housing Advisory Board.

SECTION 3.13.3 HOUSING TRUST

~~There is hereby created in the Town of Brookline a Housing Trust, whose~~ **The funds of the Town of Brookline Housing Trust, established pursuant to M.G.L. c. 44, s. 55C,** are to be managed and expended under the supervision of the Housing Advisory Board. **The purpose of the trust is to provide for the creation and preservation of affordable housing in the Town of Brookline for the benefit of low and moderate income households and for the funding of community housing.** The Housing Trust may accept gifts, grants, aid, reimbursements, payments and appropriations for the purposes set forth in Section 3.13.1., and the Housing Advisory Board may expend the funds in the Housing Trust, with the approval of the Select Board, for such purposes. Without limiting the foregoing, and with the approval of the Select Board, the Board may employ consultants, full or part-time staff and contract for administrative and support services. All funds received for the Housing Trust shall be deposited with the Treasurer and held in a separate account known as the Housing Trust account. The Brookline Housing Trust fund shall be the sole designee and recipient of any and all developer cash contributions made to the Town for affordable housing purposes under Section 4.40 Affordable Housing Requirements of the Zoning By-law. No expenditures shall be made from the Housing Trust Fund without the prior approval of the Select Board.

SECTION 3.13.4 DUTIES

In addition to the duties given to the Board in Section 3.13.1., it shall also review and make recommendations to the Planning Board for projects under any so-called incentive zoning provisions. The Board shall, in appropriate cases, act as the negotiating agency with developers and owners regarding the financial aspects of the development or conversion of property. The Board may hold both real and personal property and, without limiting the foregoing, may hold interests in real and personal property, including mortgages, land leases, easements, restrictions and options. The Board shall have authority to apply for, receive and expend grants, aid, reimbursements, gifts and other funding for housing and conversion projects, including, without limiting the foregoing, preservation of existing housing, expansion of low **and** moderate ~~and upper moderate~~

income housing, and conversion of existing housing or non-housing structures to low **and** moderate ~~and upper moderate~~ income housing. The Board shall report each year to the Select Board and the Annual Town Meeting on progress achieved in meeting any Town-wide goals and priorities for housing in Brookline adopted by the Select Board and the Housing Advisory Board.

SECTION 3.13.5 POWERS

The Board may use the Housing Trust, or any additional funds that may be available to provide rent subsidies, mortgage interest payments, mortgage principal payments, condominium principal or interest payments, development subsidies and conversion subsidies. The Board may also use such funding for housing studies and reports, for the employment of experts and for such purposes it deems necessary or desirable to accomplish the purposes set forth in Section 3.13.1.

Or act on anything relative thereto.

ARTICLE 20

Submitted by: Roger Blood

To see if the Town will amend Section 4.08 of the Brookline Zoning By-Law as follows:

Paragraph 2.e "Definitions, INCOME, LOW OR MODERATE": Replace "100%" with "120%"

Paragraph 3.a, 3.b and 3.c "Applicability": Replace "six" with "four"

Paragraph 5.d "Required affordable units": Replace "six to 15" with "four to 19"

Or act on anything relative thereto.

ARTICLE 21

Submitted by: Select Board

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

7. By amending §2.19, "S" Definitions, as follows:

Inserting the following:

1. Short-Term Rental (or "STR") – The rental of a whole or portion of a dwelling for not more than 31 consecutive calendar days, and a) As defined by M.G.L. Chapter 64G, Sec. 1 and b) whose operations meets one of three category types as specified in the operator's Certificate of Registration:

a. Room Share Units - At a Short-Term Rental Operator's Primary Residence, the operator is present in the unit during the rental and occupancy is limited to four guests.

b. Home Share Units – At a Short-Term Rental Operator's Primary Residence, the whole unit is available for a Short-Term Rental and no Short-Term Rental Operator(s) is/are present while the unit is being rented. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

c. Owner Adjacent Units - The Short-Term Rental Operator's Primary Residence is within a two-family building as defined by Principle Uses 2, 3, 4, or 4A in the Table of Use Regulations. The Short-Term Rental Operator owns or has legal control over the Short-Term Rental Unit and at least 1 other unit within the building. The Short-Term Rental Operator is present on the property during the rental. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

In accordance with M.G.L. Chapter 64G, Sec. 1, the term excludes properties that are, or that are required to be, licensed as a lodging house because lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required to be, licensed as a hotel, motel, or bed and breakfast establishment.

2. Short-Term Rental Operator – Any person operating a Short-Term Rental. An operator may be the owner or leaseholder of the Short-Term Rental Unit with the written permission from the lessor.
3. Short-Term Rental Unit – A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

And increasing each subsequent section number by 3.

8. By amending §2.16, “P” Definitions, as follows:

Renumbering the five existing sections titled “PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL”, “PARKING GARAGE OR PARKING AREA, RESIDENTIAL”, “PORCH, ENCLOSED AND UNENCLOSED”, “PRIVATE CLUB OR LODGE”, and “PROFESSION, RECOGNIZED” as sections 1, 2, 3, 5, 6 respectively and inserting the following after “3. PORCH, ENCLOSED AND UNENCLOSED”:

4. Primary Residence – Any property at which a resident resides for at least 183 days of the calendar year.

9. By amending §4.07, Table of Use Regulations, as follows:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
51C. Short-Term Rentals in possession of a valid Town Certificate of Registration and in accordance with §4.14 only.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

10. By amending the Use Regulations by adding the following section, §4.14, Short-Term Rentals:

§4.14 – SHORT-TERM RENTALS

1. Purpose

This section is intended to protect the health and safety of visitors and residents, ensure that the primary use of these properties remains as a residence, and to minimize the effect Short-Term Rentals have on the character and livability of residential neighborhoods and the well-being of surrounding residents.

2. Applicability

- a. The requirements of this section shall apply to any Short-Term Rental. No property shall be offered as a Short-Term Rental except in compliance with each of the provisions of this By-Law.
- b. This By-Law does not supersede any lease or condominium association’s by-laws. Nothing in this By-Law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

3. Requirements

Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes, including, but not limited to, Town’s General By-law entitled “Short-Term Rentals”.

These amendments to the Zoning By-law shall go into effect on January 1, 2021.

Or act on anything relative thereto.

ARTICLE 22

Submitted by: Select Board

To see if the Town will amend the General By-laws by adding the following article:

**ARTICLE 5.11
Short-Term Rentals**

Section 5.11.1 PURPOSE

The Town of Brookline adopts this Bylaw for the regulation and restriction of Short-Term Rentals within the Town in order to protect the health safety of renters and residents, and to provide a process through which certain properties that meet specific requirements and eligibility criteria may be registered with the Town of Brookline for use as Short-Term Rentals.

Section 5.11.2 DEFINITIONS

As used in this by-law, the following terms shall have the following meanings:

“Enforcement Authority”: As designated by Article 10.2 of the General By-Laws.

“Short-Term Rental”, or “STR”: The rental of a whole or portion of a dwelling for not more than 31 consecutive calendar days, and a) As defined by M.G.L. Chapter 64G, Sec. 1, and b) whose operations meets one of three category types as specified in the operator’s Certificate of Registration:

- i. Room Share Units - At a Short-Term Rental Operator’s Primary Residence, the operator is present in the unit during the rental and occupancy is limited to four guests.
- ii. Home Share Units – At a Short-Term Rental Operator’s Primary Residence, the whole unit is available for a Short-Term Rental and no Short-Term Rental Operator(s) is/are present while the unit is being rented. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.
- iii. Owner Adjacent Units - The Short-Term Rental Operator’s Primary Residence is within a two-family building as defined by Principle Uses 2, 3, 4, or 4A in the Table of Use Regulations of the Town of Brookline Zoning By-law. The Short-Term Rental Operator owns or has legal control over the Short-Term Rental Unit and at least 1 other unit within the building. The Short-Term Rental Operator is present on the property during the rental. Occupancy is limited to a single contract at a time and no more than six guests, to the extent permitted by State and local law, including this By-law.

In accordance with M.G.L. Chapter 64G, Sec. 1, the term excludes properties that are, or that are required to be, licensed as a lodging house because lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required to be, licensed as a hotel, motel, or bed and breakfast establishment.

“Short-Term Rental Unit”: A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

“Short-Term Rental Operator”: Any person operating a Short-Term Rental. An operator may be the owner or leaseholder of the Short-Term Rental Unit with the written permission from the lessor.

“Primary Residence”: Any property at which a resident resides for at least 183 days of the calendar year.

Section 5.11.3 ELIGIBILITY/APPLICABILITY

1. Any Short-Term Rental Operator seeking to establish a Short-Term Rental Unit must apply for and receive a Certificate of Registration, following the procedure set forth in Section 5.11.4. The following eligibility requirements shall apply to applicants seeking a Certificate:
 - a. The Short-Term Rental Unit cannot be subject to any local, state, or federal income-eligible or income-restricted program that is designated as below market rate housing.
 - b. The Short-Term Rental Unit shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the residential unit as a Short-Term Rental.
 - c. The Short-Term Rental Unit shall not be in arrears regarding any municipal or state taxes, fines or fees. Short-Term Rentals, Short-Term Rental Operators, and Short-Term Rental Certificates of Registration are subject to Article 4.7 of the Town’s General By-laws.
 - d. The number of rooms offered as sleeping accommodations must be code compliant.
2. This By-law does not supersede any lease or condominium association’s by-laws. Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

Section 5.11.4 REGISTRATION PROCEDURE AND SUBMISSION REQUIREMENTS

1. In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which may include, but not be limited to:
 - a. Any application fee, as may be determined by the Select Board.
 - b. Proof of Primary Residence, either by: 1) providing proof of enrollment in the Brookline residential tax exemption program; 2) an income tax return for the current year and a recent utility bill both showing the current address of the operator as the address of the Short-Term Rental Unit; or 3) a tenancy agreement along with a photo ID.
 - c. If the Short-Term Rental Operator is not the owner of the property, written evidence that the owner of the property has consented to the operator's use of the property as a Short-Term Rental Unit.
 - d. Where a Short-Term Rental Unit is part of a condominium association, certification by the Short-Term Rental Operator's condominium association board that the operation of the Short-Term Rental complies with all applicable leases and/or condominium documents, bylaws, or other governing documents.
 - e. Floor plan of the Short-Term Rental Unit indicating the specific rooms to be offered. The floor plan shall identify each room by a numerical or alphabetical identifier. The floor plan may be sketched by hand but should be legibly labelled with the numerical or alphabetical identifier and the use of that room (e.g., bedroom, living room, etc.). The floor plan should identify the rooms to be used as sleeping accommodations and the proposed maximum occupancy for each. An operator may be asked to resubmit a floor plan with amendments in the event it is unacceptable to the Town's inspectional departments for health and/or safety or code compliance reasons.
 - f. Local Contact Information. When registering, a Short-Term Rental Operator must provide their name, address, home telephone number, cell phone number, and email address, as well as such contact information for a secondary contact. Such contact information should identify at least one individual with corresponding contact information (including an active telephone number at which the person will be reachable 24 hours a day) who can respond in person within two hours of contact by a Town official to any issue or emergency that arises during a Short-Term Rental.

- g. Such other information and documentation as the Select Board's Office may determine.
2. The initial issuance and renewal of a Certificate of Registration shall be subject to the applicant's compliance with applicable federal, state and local law, including this By-Law.
3. The Certificate of Registration shall be valid for a period of one (1) to five (5) years, as the Select Board's Office may determine. The Certificate of Registration shall include a registration number, and shall identify the type of Short-Term Rental, the specific rooms that may be used as sleeping accommodations, and the maximum occupancy for each such room and for the unit as a whole.
4. An operator may seek modification of a Certificate of Registration, including with regard to rooms to be used as sleeping accommodation and maximum occupancies, by submitting such documentation as may be required by the Select Board's Office in connection with such request. Modification of a Certificate of Registration is subject to approval by the Town's Health, Building and Fire Departments, who may conduct a pre-approval health and safety inspection as necessary. No modification of a Certificate may effect a change to the type of Short-Term Rental for which the Certificate was issued.
5. Certificates of Registration are non-transferable. A Certificate of Registration shall be null and void upon a change in property owner or STR operator or upon any change in the Primary Residence of the Short-Term Rental Operator that makes the unit ineligible for operation as a Short-Term Rental under this By-law.
6. An Enforcement Authority may revoke, suspend or modify a Certificate of Registration for good cause. The Short-Term Rental Operator shall have the right to a hearing, or opportunity therefor, in connection with such action.
7. In the event an Enforcement Authority suspends or revokes an operator's right to operate an STR, the Town shall notify the Massachusetts Commissioner of Revenue of the suspension or termination.

Section 5.11.5 INSPECTIONS

Prior to approving an initial or renewed Certificate of Registration, and in connection with an annual or other inspectional schedule to be determined by the Town, the Health, Building and Fire Departments may conduct a health and safety inspection. Such inspections may be used to verify that each Short-Term Rental Unit:

1. Meets all building, health and fire code and regulatory requirements.

2. Meets all requirements of this By-Law and of any regulations promulgated pursuant to this By-law.

Inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints and/or concerns regarding non-compliance or health and safety issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

Section 5.11.6 OPERATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL UNITS

1. No person shall operate a Short-Term Rental without a current Certificate of Registration pertaining to the Short-Term Rental Unit.
2. Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes.
3. Except as may be otherwise specified by Select Board regulation promulgated pursuant to this By-Law, a Short-Term Rental Operator may offer his or her Room Share Unit or Home Share Unit for up to 90 days per year. A Short-Term Rental Operator may offer his or her Owner-Adjacent Unit for up to 180 days per year.
4. A Short-Term Rental must be operated consistent with the terms set forth on the Certificate of Registration and with applicable law, including, but not limited to, with regard to rooms to be used as sleeping accommodations, the maximum occupancy of each room, the maximum occupancy of the unit as a whole, and any other stated conditions.
5. The following must be included within each Short-Term Rental Unit:
 - a. Diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits and fire alarms inside the Short-Term Rental Unit as well as in the building, as well as an evacuation route(s) highlighted in red. The diagram shall be posted i) in each bedroom used as a Short-Term Rental, ii) on all egresses from the Short-Term Rental Unit, and iii) in common areas accessible to the Short-Term Rental Unit;
 - b. A conspicuously placed binder with, at a minimum, the following information:
 - i. Local contact information including the name, address, home and cell phone numbers and email address for the Short-Term Rental

- Operator as well as one additional contact person who shall be reachable 24 hours a day in the absence of the Operator,
- ii. Instructions for disposal of trash and recycling pursuant to any applicable requirements established by the Town of Brookline and/or by the property owner or condominium association,
 - iii. Information about Brookline parking regulations, including overnight parking restrictions and designated parking areas for guests, and
 - iv. Copy of Certificate of Registration from the Select Board's Office;
- c. Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;
 - d. A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72; and
 - e. Any other documentation required by the Select Board's Office to be distributed inside Units.
6. Public advertisements (online or in print) for a Short-Term Rental shall include in the advertisement the Town-issued registration number associated with the Short-Term Rental's Certificate of Registration. A Short-Term Rental Operator shall only use the name stated on the application for an initial or renewed Certificate of Registration in on-line or other listings of the Short-Term Rental Unit.
 7. A Short-Term Rental Operator must keep accurate records of their business including date(s) of rental, rental rates, names of customers and customers' contact information for a period of three (3) years, and make them available to the Town upon request consistent with applicable federal, state and local law.
 8. A Short-Term Rental Operator shall notify the Select Board's Office of any change in the Operator's Primary Residence within two (2) weeks of any change.
 9. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.
 10. Commercial meetings and uses are prohibited in Short-Term Rental Units.

Section 5.11.7 REGULATIONS

The Select Board may issue regulations for the implementation of this By-law, including for the establishment of any appeal process, and for the establishment of a cap on the number of Certificates of Registration issued (including numerical caps by type of Certificate of Registration and by Zoning District).

Section 5.11.8 FINES

Any person violating this By-law shall be fined in the amount of \$300 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 5.11.9 EFFECTIVE DATE

This By-law shall take effect on January 1, 2021.

Or act on anything relative thereto.

ARTICLE 23

Submitted by: Select Board

To see if the Town will amend Article 10.2 (Prosecutions and Enforcement) of the General By-Laws as follows (additions are in bold underlining):

**ARTICLE 10.2
PROSECUTIONS AND ENFORCEMENT**

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following bylaws and articles shall be by the following department head or their designees:

<u>DEPARTMENT HEAD</u>	<u>ARTICLE</u>
BUILDING COMMISSIONER	
Part V – Private Property	Articles 5.2, 5.3, 5.4 5.6, 5.7, 5.8, <u>5.11</u>
....	
DIRECTOR OF HEALTH & HUMAN SERVICES	
Part V – Private Property	Articles 5.1, 5.2, 5.4, 5.5, 5.7, <u>5.11</u>
FIRE CHIEF	
<u>Part V – Private Property</u>	<u>Articles 5.11</u>

....

TOWN ADMINISTRATOR

Part V – Private Property _____ Articles 5.11

Or act on anything relative thereto.

ARTICLE 24

Submitted by: Land Bank Study Committee, Heather Hamilton, Chair

To see if the Town will enact the following:

The Town hereby accepts Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space and community housing that is acquired or created as provided under said Act; that the amount of such surcharge on real property shall be 1.0% of the annual real estate tax levy against real property commencing in fiscal year 2022; and that the Town hereby accepts the following exemption from such surcharge permitted under Section 3(e) of said Act: property owned and occupied as a domicile by any person who would qualify for low income housing or low or moderate income senior housing in the Town, as defined in Section 2 of said Act.

Or act on anything thereto.

ARTICLE 25

Submitted by: Sam Glasgow and other residents including members of the Small Business Development Committee

To see if the Town will authorize and empower the Select Board to file a petition with the General Court amending Chapter 268 of the Acts of 2018 to reallocate any remaining unused liquor licenses from the Washington Square Target Commercial Area to either the Brookline Village Target Commercial Area or the Coolidge Corner Target Commercial Area, or to both such areas, and to extend the term of any such reallocated liquor license by two years. Or act on anything relative thereto.

ARTICLE 26

Submitted by: Moderator's Committee on Elderly Tax Relief, contact Susan Granoff

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 authorizing the

Town of Brookline to establish a means-tested senior citizen property tax exemption similar to the Town of Sudbury's Means-Tested Senior Citizen Tax Exemption but which is restricted to qualifying seniors who do not also qualify for the Town of Brookline's Senior Tax Deferral Program.

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO ESTABLISH A MEANS-TESTED SENIOR CITIZEN PROPERTY TAX EXEMPTION

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. With respect to each qualifying parcel of real property classified as Class one, residential in the town of Brookline, there shall be an exemption from the property tax equal to the total amount of the tax that would otherwise be assessed without this exemption less the sum of (i) 10 percent of the total annual qualifying income for purposes of the state's "circuit breaker" credit income tax credit under subsection (k) of section 6 of chapter 62 and (ii) the amount of the state's "circuit breaker" credit the applicant was eligible to receive in the year prior to the application being filed. The percentage of total annual qualifying income may be raised by section 3. In no event shall this exemption reduce property taxes by more than 50 percent of the property taxes due after the application of the town's residential exemption. The exemption shall be applied to the domicile of the taxpayer only. For the purposes of this act, "parcel" shall be a unit of real property as defined by the assessors under the deed of the property and shall include a condominium unit.

SECTION 2. The board of assessors may deny an application if they find the applicant has excessive assets that place them outside of the intended recipients of the senior exemption created by this act. Real property shall qualify for the exemption under section 1 if all of the following criteria are met:

(a) the qualifying real property is owned and occupied by a person whose prior year's income would make the person eligible for the circuit breaker income tax credit under subsection (k) of section 6 of chapter 62 of the General Laws;

(b) the qualifying real property is owned by a single applicant age 65 or older at the close of the previous year or jointly by persons either of whom is age 65 or above at the close of the previous year and if the joint applicant is 60 years of age or older;

(c) the qualifying real property is owned and occupied by the applicant or joint applicants as their domicile;

(d) the applicant or at least one of the joint applicants has been domiciled in the town of Brookline for at least 10 consecutive years before filing an application for the exemption;

(e) the maximum assessed value of the domicile is no greater than the prior fiscal year's average assessed value of a Brookline residential parcel assigned state use codes 101 (single-family home) and 102 (condominium) plus 10 percent; and

(f) the board of assessors has approved the application.

SECTION 3. The exemption under section 1 shall be in addition to any other exemption allowable under the General Laws, except that there shall be a dollar cap on all the exemptions granted by this act equal to 0.25 percent of the fiscal year's total residential property tax levy for the town of Brookline with the total exemption amount granted by

this act allocated proportionately within the tax levy on all residential taxpayers. After the first year of such exemption, the total cap on the exemptions granted by this act shall be set annually by the select board within a range of 0.25 to 1 percent of the residential property tax levy for the town of Brookline. In the event that benefits to the applicants may be limited because the percentage established annually by the select board would otherwise be exceeded, the benefits shall be allocated by raising the total annual qualifying income percentage as required in section 1 as necessary to not exceed the cap. In the event the cap exceeds the need for the exemption, any undistributed amounts collected shall be returned to the town.

SECTION 4. A person who seeks to qualify for the exemption under section 1 shall, before the deadline established by the board of assessors, file an application, on a form to be adopted by the board of assessors, with the supporting documentation of the applicant's income and assets as described in the application. The application shall be filed each year for which the applicant seeks the exemption.

SECTION 5. No exemption shall be granted under this act for any year if an applicant otherwise meets all the qualifications in sections 1, 2, 3, and 4 of this act and also meets all the qualifications of the town of Brookline's Senior Tax Deferral Program for that year, including obtaining the written approval by all persons having a legal interest in the applicant's parcel as required by the town's Tax Deferral and Recovery Agreement. Applicants shall, in good faith, seek to qualify for the town's Senior Tax Deferral Program. A finding that an applicant has not done so shall be grounds for denying the property tax exemption provided by this act.

SECTION 6. This act (or only section 5 of this act) may be revoked by an affirmative vote of a majority of Town Meeting at any annual or special Town Meeting. Revocation of sections 1 to 5, inclusive, and sections 6 and 7, or section 5 only, shall take effect 30 days after an affirmative vote of Town Meeting.

SECTION 7. No exemption shall be granted under this act until the department of revenue certifies a residential tax rate for the applicable tax year where the total exemption amount is raised by a burden shift within the residential tax levy.

The General Court may make such amendments as are within the scope of the general public objectives of this petition. Or act on anything relative thereto.

Or act on anything relative thereto.

ARTICLE 27

Submitted by: Anthony Ishak, Kate Silbaugh TMM1, Maura Toomey TMM8, Nancy Daly TMM12

To see if the Town will amend Article 8.23 of the Town's General By-laws ("Tobacco Control") as follows (language to be omitted appearing in ~~striketrough~~; language to be added appearing in **bold underline**):

ARTICLE 8.23

TOBACCO CONTROL

SECTION 8.23.1 - PURPOSE

In order to protect the health, safety and welfare of the inhabitants of the Town of Brookline, this by-law shall limit and restrict the sale of and public exposure to tobacco products within the Town of Brookline.

SECTION 8.23.2 - DEFINITIONS

a. Blunt Wrap - Any tobacco product manufactured or packaged as a wrap or as a hollow tube made wholly or in part from tobacco that is designed or intended to be filled by the consumer with loose tobacco or other fillers.

b. Characterizing flavor - A distinguishable taste or aroma, other than the taste or aroma of a tobacco product or component part thereof including, but not limited to, tastes or aromas relating to any fruit, chocolate, vanilla, honey, candy, cocoa, menthol, mint, wintergreen, dessert, alcoholic beverage, herb or spice; provided, however, that no tobacco product shall be determined to have a characterizing flavor solely because of the use of additives or flavorings that do not contribute to the distinguishable taste or aroma of the product.

c. Cigar- Any roll of tobacco that is wrapped in leaf tobacco or in any substance containing tobacco with or without a tip or mouthpiece not otherwise defined as a cigarette under Massachusetts General Law, Chapter 64C, Section 1, Paragraph 1.

d. Component part - Any element of a tobacco product, including, but not limited to, the tobacco, filter and paper, but not including any constituent.

e. Constituent - Any ingredient, substance, chemical or compound, other than tobacco, water or reconstituted tobacco sheet, that is added by the manufacturer to a tobacco product during the processing, manufacturing or packaging of the tobacco product. Such term shall include a smoke constituent.

f. Distinguishable - Perceivable by either the sense of smell or taste.

g. E-Cigarette - Any electronic nicotine delivery product composed of a mouthpiece, heating element, battery, and/or electronic circuits that provides a vapor of liquid flavored or unflavored nicotine to the user, or relies on vaporization of solid nicotine or any liquid, with or without nicotine. This term shall include such devices whether they are manufactured as e-cigarettes, e-cigars, e-pipes, hookah pens, electronic hookah, e-hookah, hookah sticks, personal vaporizers, mechanical mods, vape pens, vaping devices, or under any other product name. "E-Cigarette" includes any component or part of an e-cigarette.

h. Educational Institution - any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

i. Employee - An individual who performs services for an employer.

j. Employer - An individual, partnership, association, corporation, trust or other organized group of individuals that utilizes the services of one (1) or more employees.

k. Entity - any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.

l. Flavored tobacco product - Any tobacco product or component part thereof that contains a constituent that has or produces a characterizing flavor (including but not limited to menthol, mint, and wintergreen). A public statement, claim or indicia made or disseminated by the manufacturer of a tobacco product, or by any person authorized or permitted by the manufacturer to make or disseminate public statements concerning such tobacco - product, that such tobacco product has or produces a characterizing flavor shall constitute presumptive evidence that the tobacco product is a flavored tobacco product.

m. Food Service Establishment - An establishment having one or more seats at which food is served to the public.

n. Health Care Institution - An individual, partnership, association, corporation or trust or any person or group of

persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.

o. Minor - A person under twenty-one years of age.

p. Retail Establishment - any store that sells goods or articles of personal services to the public.

q. Retail tobacco store- An establishment that is not required to possess a retail food permit whose primary purpose is to sell or offer for sale but not for resale, tobacco and/or e-cigarette products and tobacco paraphernalia, in which the sale of other products is merely incidental, and in which the entry of persons under the minimum legal sales age is prohibited at all times, and maintains a valid permit for the retail sale of tobacco products as required to be issued by the Brookline Board of Health.

r. Self-Service Display - Any display from which customers may select a tobacco or e-cigarette products without assistance from an employee or store personnel.

s. Smoke Constituent - Any chemical or chemical compound in mainstream or sidestream tobacco smoke that either transfers from any component of the tobacco product to the smoke or that is formed by the combustion or heating of tobacco, additives or other component of the tobacco product.

t. Smoking - Lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other tobacco product or non-tobacco product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette shall be considered smoking under this by-law.

u. Tobacco - Any product containing, made, or derived from tobacco that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco or snuff. "Tobacco" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes

and which is being marketed and sold or prescribed solely for the approved purpose.

v. Tobacco Product- Any product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to: cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, snuff, or electronic cigarettes, electronic cigars, electronic pipes, electronic hookah, or other similar products, regardless of nicotine content, that rely on vaporization or aerosolization. "Tobacco product" includes any component or part of a tobacco product. "Tobacco product" does not include any product that has been approved by the United States Food and Drug Administration either as a tobacco use cessation product or for other medical purposes and which is being marketed and sold or prescribed solely for the approved purpose.

w. Tobacco Vending Machine - A mechanical or electrical device which dispenses tobacco or e-cigarette products by self-service, with or without assistance by a clerk or operator.

x. Workplace - An indoor area, structure or facility or a portion thereof, at which one or more employees perform a service for compensation for the employer, other enclosed spaces rented to or otherwise used by the public; where the employer has the right or authority to exercise control over the space.

SECTION 8.23.3 - REGULATED CONDUCT

a. Public Places

(1) To the extent that the following are not covered by applicable State laws or regulations, no person shall smoke in any rooms or interior areas in which the public is permitted. This includes, but is not limited to, any food service establishment, health care institution, classroom, lecture hall, museum, motion picture theater, school, day care facility, reception area, waiting room, restroom or lavatory, retail store, bank (including ATMs), hair salons or barber shops and meetings of government agencies open to the public.

(2) Taxi/Livery services licensed by the Town of Brookline shall be provided in smoke-free vehicles. The restriction

of smoking in taxi/livery vehicles applies to drivers as well as passengers. Vehicles shall be posted in such a manner that their smoke-free status can be readily determined from the outside of the vehicle.

(3) Licensed Inns, Hotels, Motels and Lodging Houses in the Town of Brookline must provide smoke-free common areas. Licensed Inns, Hotels and Motels in the Town of Brookline must designate 100% of individual dwelling units or rooms as non-smoking.

(4) The use of tobacco or e-cigarette products by minors or school personnel is prohibited in or upon any public sidewalk or other public property located within four hundred (400) feet of Brookline High School grounds. The Commissioner of Public Works shall erect and maintain signage identifying the locations where smoking is prohibited under this paragraph (4). Such signage shall be erected so as to notify the public of the smoking prohibition and the areas affected thereby.

b. Workplaces

(1) Smoking in workplaces is prohibited.

(2) Notwithstanding subsection (1), smoking may be permitted in private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care related office or facility.

(3) Every establishment in which smoking is permitted pursuant to this by-law shall designate all positions where the employee's presence in an area in which smoking is permitted to be "smoking positions." The establishment shall notify every applicant for employment in a smoking position, in writing, that the position may cause continuous exposure to secondhand smoke, which may be hazardous to the employee's health.

(4) No establishment in which smoking is permitted pursuant to this by-law may require any employee whose effective date of employment was on or before November 1, 1994 to accept a designated smoking position as a condition of continued employment by the employer.

(5) No establishment in which smoking is permitted pursuant to this by-law may discharge, refuse to hire, or otherwise

discriminate against any employee or applicant for employment by reason of such person's unwillingness to be subjected to secondhand smoke exposure unless the employee has been hired for a designated smoking position and has been so notified in writing at the time of hiring.

(6) It is the intent of this by-law that a designated smoking position shall not be considered suitable for work for purposes of M.G.L. c. 151A, and that an employee who is required to work in a smoking position shall have good cause attributable to the employer for leaving work. c. E-cigarette Usage - Locations Prohibited (1) In addition to the smoking prohibitions set forth in this bylaw, the use of e-cigarettes is further prohibited wherever smoking is prohibited under M.G.L. Chapter 270, Section 22 (the "Smoke-Free Workplace Law"), and in all locations listed in Section 8.23.3 of this by-law. The Director of Health and Human Services and/or his or her designee(s) shall enforce this section in accordance with Section 8.23.6.

SECTION 8.23.4 - POSTING REQUIREMENTS

Every person having control of a premises where smoking is prohibited by this by-law, shall conspicuously display on the premises, including the primary entrance doorways, signs reading "Smoking Prohibited By Law." Posting of the international symbol for "No Smoking" shall be deemed as compliance.

SECTION 8.23.5 - SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit - No Entity otherwise permitted to sell tobacco products shall sell or offer to sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department's Schedule of Fees and Charges. The Director of Public Health shall not issue any new tobacco sales permits to first-time permit applicants with businesses not licensed as of September 1, 2017. Holders of tobacco sales permits on the effective such date section may continue to use such permits. All such holders must apply for renewal of their permits according to the procedures of the Department. Those who fail to apply for renewal in a timely manner will **have** permits revoked . Any such action may be appealed to the Board of Selectmen within thirty (30) days.

b. Prohibition of Tobacco Vending Machines - The sale of tobacco or e-cigarette products by means of vending machines is prohibited.

c. Restrictions on the Distribution of Tobacco or e-cigarette Products - No person, firm, corporation, establishment or agency shall distribute tobacco or e-cigarette products free of charge or in connection with a commercial or promotional endeavor within the Town of Brookline. Such endeavors include, but are not limited to, product "giveaways", or distribution of a tobacco or e-cigarette product as an incentive, prize, award or bonus in a game, contest or tournament involving skill or chance.

d. Prohibition of Sales - No person, firm, corporation, establishment, or agency shall sell tobacco or e-cigarette products to **anyone born after 1/1/1976**.

e. Self-Service Displays - All self-service displays as defined by 8.23.2 (e) are prohibited. All commercial humidors including, but not limited to walk-in humidors must be locked.

f. Prohibition of the Sale of Tobacco Products and e-cigarettes by Health Care Institutions - No health care institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco or e-cigarette products.

g. Prohibition of the Sale of Tobacco and e-cigarette Products by Educational Institutions - No educational institution located in the Town of Brookline shall sell or cause to be sold tobacco or e-cigarette products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

h. Required Signage

1. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at retail shall conspicuously post signage provided by the Town of Brookline that discloses current referral information about smoking cessation.

2. The owner or other person in charge of an entity authorized to sell tobacco or e-cigarette products at

retail shall conspicuously post a sign stating that "The sale of tobacco or e-cigarette products to someone **born after 1/1/1976** is prohibited." The notice shall be no smaller than 8.5 inches by 11 inches and shall be posted conspicuously in the retail establishment in such a manner so that they may be readily seen by a person standing at or approaching the cash register. The notice shall directly face the purchaser and shall not be obstructed from view or placed at a height of less than four (4) feet or greater than eight (8) feet from the floor.

i. Tobacco Sales

1. No Tobacco Product Sales Permit holder shall allow any employee to sell tobacco or e-cigarette products until such employee has received a copy of this By-law and federal and state laws regarding the sale of tobacco and e-cigarette and signs a statement, a copy of which will be placed on file in the office of the employer, that he/she has read the regulation and applicable state and federal laws.

2. Identification: Each person selling or distributing tobacco products, as defined herein, shall verify the age of the purchaser by means of a valid government-issued photographic identification containing the bearer's date of birth that the purchaser **was born prior to 1/1/1976**.

3. All retail sales of tobacco or e-cigarette products within the Town of Brookline must be face-to-face between the seller and the buyer and occur at the permitted location, **which can be no greater than 2000 square feet**.

4. Original Cigar Package Price - All single cigars shall be sold for no less than two dollars and fifty cents (\$2.50). No person shall sell or distribute or cause to be sold or distributed any original factory-wrapped package of two or more cigars, unless such package is priced for retail sale at \$5.00 or more. This section shall not apply to a person or entity engaged in the business of selling or distributing cigars for commercial purposes to another person or entity engaged in the business of selling or distributing cigars for commercial purposes with the intent to sell or distribute outside the boundaries of Brookline.

5. No entity shall sell or distribute or cause to be sold or distributed any Flavored Tobacco Product.

6. No entity shall sell or distribute or cause to be sold or distributed blunt wraps.

SECTION 8.23.6 - VIOLATIONS AND PENALTIES

a. Any person who violates any provision of this by-law, or who smokes in any area in which a "Smoking Prohibited By Law" sign, or its equivalent, is conspicuously displayed, shall be punished by a fine of \$100 for each offense. For a first violation of this section, and for any subsequent violation, the violator may be afforded the option of enrolling in a smoking cessation/education program approved by the Director of Health and Human Services or his/her designee(s). Proof of completion of such approved program shall be in lieu of the fines set forth in this Section and in Section 10.3 of these By-laws.

b. Any person having control of any premises or place in which smoking is prohibited who allows a person to smoke or otherwise violate this bylaw, shall be punished by a fine of \$100 for a first offense, \$200 for a second offense, and \$300 for a third or subsequent offense.

c. Employees who violate any provision of Section 8.23.3(b) or 8.23.5 shall be punished by a fine of \$100 per day for each day of such violation.

d. Any entity violating any other section of this by-law shall receive a fine of \$300.00 for **the first two offenses then will have permit revoked on the third offense. They may appeal to the Department of Public Health if they show that source of violation was corrected and would not occur again.**

e. Violations of this by-law may be dealt with in a noncriminal manner as provided in PART X of the Town by-laws.

f. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.

g. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Brookline Health Department or a Town department or Board from suspending, or revoking any license or permit issued

by and within the jurisdiction of such departments or Board for repeated violations of this by-law.

SECTION 8.23.7 - SEVERABILITY

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

ARTICLE 28

Submitted by: Mariah Nobrega

LEGISLATION PROVIDING FOR RECALL ELECTIONS OF TOWNWIDE ELECTED OFFICIALS

To see if the Town will authorize and empower the Select Board, on such date and in such manner as required by the House Clerk, to file a petition for legislation to provide for recall elections of townwide officials in the town of Brookline, provided that the General Court adopts this bill precisely as set forth below. The General Court may make only clerical or editorial changes of form to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court. The Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition as long as such amendments do not make it more difficult to recall officials.

AN ACT TO ALLOW THE TOWN OF BROOKLINE TO PROVIDE FOR RECALL ELECTIONS OF TOWNWIDE ELECTED OFFICIALS

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. Notwithstanding any general or special law to the contrary, any holder of a townwide elected office in the town of Brookline may be recalled by the registered voters of the town as provided in this act.

SECTION 2. An initial recall affidavit may be filed with the town clerk signed under the penalty of perjury by at least five hundred registered voters of the town with their names and addresses, one of who shall be designated as the so-called lead petitioner for purposes of this act. The initial recall affidavit shall contain the name of the officer sought to be recalled, appearing as registered on the current voting list prepared under G.L. c.51, and 37A, the office from which removal is sought, and a statement of the grounds for recall. Within 24 hours of receipt, the town clerk shall submit the affidavit to the board of registrars of voters, which shall within seven business days, certify thereon the number of signatures, which are names of registered voters of the town. If the number of the signatures on the affidavit shall be found not to be sufficient, the petitioners will be provided with no fewer than five business days to remedy the deficiencies.

SECTION 3. The town clerk shall, within seven business days following said certification, make available to the lead petitioner at the office of the town clerk petition blanks containing lines for the number of signatures required below, multiplied by two, demanding such recall. Such blanks shall be issued by the town clerk with a facsimile of the signature of the town clerk and official seal of the town attached thereto. The blanks shall be dated, be addressed to the select board, contain the names of the 10 voters first named on the affidavit, the number of blanks so issued, the name of the person whose recall is sought appearing as registered on the current voter list, the office from which removal is sought, the grounds of recall as stated in the affidavit, and demand the election of a successor to the office. Said recall petition shall be returned and filed with the town clerk within 30 business days from the date the recall petition sheets are made available in accordance with this section, and shall have been signed by at least 10 percent of the registered voters of the town as of the date of the most recent annual town election, who shall add to their signatures their place of residence, including their street and number, if any.

The town clerk shall within one business day of receipt submit the petition to the board of registrars of voters, and the board of registrars shall within 7 business days certify thereon the number of signatures which are names of registered voters of the town. If the number of signatures on the recall petition shall be found not to be sufficient, the petitioners will be provided with no fewer than five business days to remedy the deficiencies.

SECTION 4. If the total recall petition sheets shall be found and certified by the board of registrars of voters to be sufficient, the certified petition shall be forthwith submitted with the certificate of the town clerk to the select board. The select board shall within five business days give written notice to the officer sought to be recalled of receipt of the certified petition and shall, if the officer does not resign within five business days thereafter, forthwith order an election to be held on a date fixed by them not less than 64 nor more than 90 days from the date the select board provided written notice to the officer sought to be recalled; provided, however, that if any other town election is to occur within 120 days of the date the board provided written notice to the officer, the select board shall postpone the holding of the recall election to the date of such other election, and the question of recall shall appear on the ballot at said election. If a vacancy occurs in the office after a recall election has been ordered, the election shall nevertheless proceed as provided in this act.

SECTION 5. An officer sought to be recalled may not be a candidate in an election to be held to fill the vacancy. The nomination of candidates, the publication of the warrant for the recall election and the conduct of the nomination and publication, shall all be in accordance with the law relating to elections, unless otherwise provided in this act.

SECTION 6. The incumbent shall continue to perform the duties of the office until the recall election. If the incumbent is not recalled, the incumbent shall continue in office for the remainder of the unexpired term, subject to recall as before, except as provided in this act. If the incumbent is recalled, the incumbent shall be considered removed from office immediately and the office vacant.

SECTION 7. Ballots used in a recall election shall contain the following propositions:

FOR THE RECALL OF (NAME), (OFFICE)

AGAINST THE RECALL OF (NAME), (OFFICE)

Adjacent to each proposition, there shall be a place to mark a vote. Following the propositions shall appear the word "candidates" with directions to voters as required G.L. c.54, §42. Beneath the word "candidates" shall appear the name of candidates nominated as provided in this act.

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

SECTION 8. An initial recall affidavit shall not be filed against an officer within three months after the officer takes office or within the last three months of the term. In the case of an officer subjected to a recall election and not recalled, a new recall affidavit shall not be filed against that officer until at least six months have elapsed after the election at which the previous recall was submitted to the voters of the town.

SECTION 9. No person who has been recalled from an office or who has resigned from office after the filing of a recall petition under this act shall be appointed to any town office within two years after such recall or such resignation.

SECTION 10. This act shall take effect upon its passage; and/or take any other action relative thereto.

ARTICLE 29

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 5.8, Sections 5.8.2 and 5.8.3, of the General By-laws, as follows (additions in **bold underline**; deletions in ~~strike through~~):

SECTION 5.8.2 DEFINITIONS

Election: A regular Town election, a Town special election, or any general or special State election or primary.

Election Day sign: Any non-illuminated sign not more than 24 inches in height, 30 inches in width, and one inch in depth.

Sign: Any device, fixture, placard, or structure that uses any color, form, graphic, illumination, symbol, or writing to advertise, attract attention to or announce the purpose of, or identify the purpose of a person or entity, or to communicate information of any kind to the public.

For the purposes of this by-law, the term "sign" shall not include the following:

- i. Official traffic control devices required, maintained, or installed by a Federal, State or local governmental agency.
- ii. Town of Brookline government signs, and signs permitted by the Town on Town property.

- iii. Building markers indicating the name of a building and date and incidental information about its construction, which marker is cut into a masonry surface or made of other permanent material.
- iv. Flags, holiday lights and decorations.

SECTION 5.8.3 SIGNS

Signs shall be permitted as regulated and permitted by the Zoning By-law. The Zoning By-law is incorporated herein by reference.

No person shall erect, display or maintain a temporary or permanent sign upon any property owned by the Town of Brookline or upon the public way of any other governmental body, **except that temporary Election Day signs may be erected, displayed and maintained (i) within 500 feet but no closer than 150 feet of a polling place, (ii) within 500 feet of a school or library which is not a polling place, and (iii) at any other place, from sunset on the night prior to an Election until the closing of the polls for such Election, at which time any such Election Day signs shall be considered abandoned.,**

Election Day signs shall not interfere with any traffic control device, any Town of Brookline government sign, or any sign permitted by the Town, and no such sign shall be erected in a manner that obstructs a public way or is a hazard to public safety.

Or take any other action relative thereto.

ARTICLE 30

Submitted by: Jonathan J. Margolis

To see if the Town will vote to amend Article 3.1 of the Town's General By-Laws as follows:

Amend Section 3.1.3, Litigation and Claims, by adding the following language appearing in bold underline:

The Select Board may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the town, provided, however, that they shall act upon advice of counsel when the amount to be paid in any settlement exceeds one thousand dollars (\$1,000). They may employ special counsel in suits by or against the town and whenever they deem it necessary.

In the resolution of any claim, the Town shall not require as a condition, nor condition any offer upon an agreement that the claimant shall refrain from any statement concerning the terms of a settlement or the underlying claim, and the Select Board shall not enter into any agreement to resolve any claim in which the Town has sought such an agreement.

PROVIDED, HOWEVER, that the town may accept offers to resolve claims made under the Massachusetts Law Against Discrimination, Chapter 151B, the

Massachusetts Privacy Statute, Chapter 214, Sec. 1B, the Massachusetts Law Against Sexual Harassment, Chapter 214, Sec. 1C, the Massachusetts Civil Rights Act, G.L. c. 12, §11H, the Massachusetts Equal Rights Act, G.L. c. 93, §102, the Massachusetts Leave Law for Victims and Family Members of Abusive Behavior, G.L. c.149, §52E, 42 U.S.C. Sec. 2000e (Title VII), 42 U.S.C. Secs. 1981-1988 or 42 U.S.C. Sec. 12101 (the Americans With Disabilities Act), in which the claimant seeks an agreement that the parties refrain from publicizing the facts and events that gave rise to the claim.

The Town shall report on its website all claims resolved during the previous six months within 90 days of the close of the fiscal year and 90 days of the end of the sixth month of the fiscal year.

or act on anything relative thereto.

ARTICLE 31

Submitted by: Hadassah Margolis, TMM8, Michael Burstein, TMM12, Neil Gordon, TMM1

To see if the Town will vote to amend the General By-laws, as follows:

Substitute "their" for (i) "his," (ii) "his/her," and (iii) "his or her."

Substitute "them" for (i) "him," and (ii) "her."

Substitute "they" for (i) "he," (ii) "he or she," and (iii) "he/she."

And make such other changes as would substitute gender neutral pronouns for gender specific ones.

In the event that any such substitution results in incorrect grammar, conforming changes shall be made so that the result is grammatically correct.

Or take any other action relative thereto.

ARTICLE 32

Submitted by: Hadassah Margolis, TMM8, Michael Burstein, TMM12, Neil Gordon, TMM1

To see if the Town will vote to amend the Zoning By-laws, as follows:

Substitute "their" for "his/her."

Substitute "they" for "he/she."

And make such other changes as would substitute gender neutral pronouns for gender specific ones.

Substitute "Select Board" for "Board of Selectmen."

Substitute “Select Board members for “Selectmen.”

In the event that any such substitution results in incorrect grammar, conforming changes shall be made so that the result is grammatically correct.

Or take any other action relative thereto.

ARTICLE 33

Submitted by: The Long-Term Policy and Planning Sub-Committee of the Advisory Committee

To see if the Town will amend its Section 2.1.14 and its Article 2.2 and its Article 3.20 of its General By-Laws to establish a fiscal education requirement for all Town Meeting Members, Advisory Committee Members and other elected officials and individuals appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town. The proposed added language is underlined below.

SECTION 2.1.14 MANDATORY EDUCATIONAL TRAINING FOR TOWN MEETING MEMBERS

All Town Meeting Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Town Meeting Members incumbent on that date, and within one hundred and twenty (120) days after their initial election for Town Meeting Members elected subsequent to that date, complete the on-line Conflict of Interest Law training provided by the State Ethics Commission. In the alternative, Town Meeting Members may attend an educational training seminar hosted by the Office of Town Counsel. This Article shall not apply to Town Meeting Members who have fulfilled the training requirements set forth in Article 3.20. Town Meeting Members shall not be required to receive such training more than once, unless they are otherwise required to do so as special municipal employees under the provisions of G.L. c. 268A. This by-law provision became effective on May 1, 2016.

Further, all Town Meeting Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Town Meeting Members incumbent on said effective date, and within one hundred and twenty (120) days after their initial election to Town Meeting for Members elected or caucused in subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. This Article shall not apply to Town Meeting Members who have fulfilled the training requirements set forth in Article 3.20. Town Meeting Members shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

Article 2.2.2 TERMS OF APPOINTMENT

Members shall hold office from July 1st, in the year of their appointment, for three-year staggered terms and until their successors are appointed. All vacancies shall be filled by the Moderator for the unexpired remainder of the term of the appointee's predecessor.

A member of the Committee shall cease to be a member upon the occurrence of any of the following events:

1. Removal of residence from the Town of Brookline.
2. Absence from seven or more duly called and held meetings of the Committee during any year of the member's term, considering each period from July 1 to the following June 30 as a year for this purpose.

A member of the Committee who is a Town Meeting Member shall cease to be a member of the Committee effective the 30th day of June following the occurrence of any of the following events:

3. Removal of residence from the precinct from which elected a Town Meeting Member.
4. Failure of re-election as a Town Meeting Member.
5. Expiration of term as a Town Meeting Member.

Upon ascertaining that any of events 1-5 has occurred, the Chairman of the Committee shall notify the Secretary of the Committee who shall give written notice to the member in question. A copy of such notice shall be sent promptly to the moderator.

Further, all Advisory Committee Members shall, within one hundred and twenty (120) days after the effective date of this by-law for Advisory Committee Members incumbent on said effective date, and within one hundred and twenty (120) days after their initial appointment he Advisory Committee subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by either hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. This Article shall not apply to Advisory Committee members who have fulfilled the training requirements set forth in Article 3.20. Advisory Committee Members shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

ARTICLE 3.20.2 MANDATORY EDUCATIONAL TRAINING

All Elected and Appointed Officials shall within one hundred and twenty (120) days before or after their election or appointment to a Committee or Sub-committee, attend an educational training seminar hosted by the Office of Town Counsel which shall include the requirements of the Open Meeting Law and Conflict of Interest Law In the alternative, members may meet with

Town Counsel, or a member of his/her staff, to receive such information and training.

Further, all Elected and Appointed Officials appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town shall, within one hundred and twenty (120) days after the effective date of this by-law if incumbent on said effective date, and within one hundred and twenty (120) days after their initial election or appointment subsequent to said effective date, attend a fiscal educational training seminar incorporating financial information about both the Town and the Public Schools of Brookline hosted by Town Staff, members of the Advisory Committee, other knowledgeable parties, or any combination of the aforementioned. Elected and Appointed Officials appointed to any Board or Commission that has or could reasonably be expected to have input into any matter affecting the financial situation of the Town shall be required to receive such training at least every three years. This by-law provision will have an effective date of no later than May 1, 2021.

Or act on anything relative thereto

ARTICLE 34

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 2.2 of the General By-laws, by (i) amending SECTION 2.2.5, and adding a new SECTION 2.2.6, and amending SECTION 2.5.2, as follows (**additions in bold underline**, deletions in ~~strikeout~~):

SECTION 2.2.5 GENERAL DUTIES

The Committee shall consider any and all municipal questions, including appropriation requests and proposed action under all articles in the warrant for a Town Meeting, for the purpose of making reports ~~or and~~ recommendations to the Town. The Committee shall submit a budget at the Annual Town Meeting. It may examine the books and records of any board, committee or officer of the Town so far as permitted by law. The Superintendent of Schools (in the case of school appropriations) and the Town Administrator (in the case of all other appropriations) shall submit their requests for appropriations to the Committee by February 15th or the next town business day if said date falls on a weekend or holiday; or seven days after the Governor submits the annual budget to the General Court, whichever is later.

SECTION 2.2.6 RECORDED VOTES

- (i) **Whenever the Advisory Committee shall have voted on a recommendation to the Town, and unless such vote is unanimous, the record of such vote shall accompany any report of such recommendation to the Town, in each case showing the date of such vote and those members who voted in favor, opposed, or abstained.**

- (ii) Whenever the Advisory Committee shall have voted on a transfer of funds, and unless such vote is unanimous, the record of such vote shall be included in the minutes of the Advisory Committee, in each case showing those members who voted in favor, opposed, or abstained.

Section 2.5.2 Combined Reports (third paragraph)

The Combined Reports shall include, with each recommendation of the Select Board, a roll-call showing the vote of each member; and shall include, with each recommendation of the Advisory Committee, a ~~statement of the number of members voting for and against the recommendation and the date of the vote~~ such information as is required by Section 2.2.6. RECORDED VOTES. When a minority report is presented, the Combined Reports shall identify the members supporting the minority report.

Or take any other action relative thereto.

ARTICLE 35

Submitted by: Michael Zoorob, Lara Jarrell, Shira Fischer

Amend the Zoning By-law to eliminate off-street residential parking minimums in the Transit Parking Overlay District.

To see if the Town will amend Article VI, Section 6.02, Paragraph 2 i. of the Town's Zoning By-Law (Off-Street Parking Space Regulations) as follows: (deletions in ~~strike through~~; additions in **bold underline**):

- i. Residential uses on any lot for which any portion of the lot is within the Transit Parking Overlay District, notwithstanding the requirements of §3.02 paragraph 4, ~~must provide no fewer off-street parking spaces per dwelling unit than 1 for studio units, 1.4 for one-bedroom units, 2 for two-bedroom units, 2 for dwelling units of three or more bedrooms~~ **are not subject to the minimum off-street parking space requirements in Section 6.02.**

Or act on anything relative thereto.

ARTICLE 36

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

To see if the Town will amend the Brookline General By-Laws to require all information or notices mailed to businesses and residents of the Town, that are intended to provide notice or information to all businesses and residents, or to certain businesses and residents based on their location, by or on behalf of the Town, or mailed by any individual, corporation, contractor, utility, or other entity in conformance with any rule, regulation, by-law, or other law or procedure enforced or overseen by the Town, be specifically mailed to current tenants and residents of each commercial and residential unit, rather than only the owner of the property, as follows:

(stricken language to be removed; **bolded and underlined language to be added**)

Article 5.3, Brookline Demolition By-Law, Section 5.3.12 Notice

Notice of any public hearing required by this by-law shall be given by the Commission to the owner of record; **tenants and residents of the subject property**; the Applicant for the demolition permit (if different from the owner of record); the immediate abutters to the subject property; ~~and tenants and residents of abutters' property~~; the owners, **tenants, and residents** of land directly opposite on any public or private street, and abutters to the abutters **and tenants and residents of the abutters to abutters' property** within three hundred feet of the property line of the subject property; as they appear on the most recent applicable tax list, **Street List of Residents, and list of commercial units**; to each elected Town Meeting member for the precinct in which the subject property is located; the Building Commissioner; Town Clerk; Planning Director; and to such other persons as the Commission may determine. The Commission may among other forms of notice require that the Applicant maintain on the subject building a notice, in a form designated by the Commission visible from the nearest public way, of any hearing upon the subject matter of such Application.

ARTICLE 8.15 NOISE CONTROL – SECTION 8.15.6 PROHIBITIONS AND MEASUREMENT OF NOISE EMISSIONS – subsection (D) Fixed Plant Equipment:

Any person shall operate such equipment in a manner not to exceed 10 dBA over the Background Noise and not greater than 5 dBA of Tonal sound over the Background Noise. However, if the fixed equipment is operated during night time hours, the night time Sound Pressure Level of the Fixed Plant Equipment must not exceed the average daytime Background Noise to compensate for night time operations, which is assumed to be 10dBA below daytime Background Noise. See Definitions Section 8.15.3(c). Noise measurements shall be made at the boundary of the property in which the offending source is located, or at the boundary line of the complainant if the complainant is not a direct abutter **or tenant or resident of a direct abutter's property**.

ARTICLE 8.15 NOISE CONTROL – SECTION 8.15.7 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW – subsection (A) item (iii):

(iii) The Town will make all reasonable efforts to notify all direct abutters **and tenants and residents of direct abutters' property** prior to the date of the Select Board meeting at which the issuance of a permit will be heard.

SECTION 8.27 WETLANDS PROTECTION BYLAW

8.27.6 Notice and Hearings

- a. Any person filing a permit application or a RFD with the Commission shall at the same time give written notice thereof, by certified mail with return receipt requested, or hand delivered with signatures, to all abutters **and tenants and residents of abutters' property** at their mailing addresses shown on the most recent applicable tax list of the assessors, **Street List of Residents, and list of commercial units**; owners, **tenants, and residents** of land directly opposite on any public or private street or way; ~~and abutters~~ to the abutters **and tenants and residents of the abutters to abutters' property** within 100 feet of the property line of the applicant, including any in another municipality or across a body of water. The notice to abutters **and tenants and residents of abutters' property** shall have enclosed a copy of the permit application or request, with plans, or shall state where copies may be examined and obtained by abutters **and tenants and residents of abutters' property**. An affidavit of the person providing such notice, with a copy of the notice mailed or delivered, shall be filed with the Commission.
- g. For good cause the Commission may revoke or modify a permit or determination issued under this bylaw after notice to the holder of the permit or determination, notice to the public, abutters, **tenants and residents of abutters' property**, and town boards, pursuant to §VI and §VII, and a public hearing.

ARTICLE 8.31 LEAF BLOWER CONTROL – SECTION 8.31.6 PERMITS FOR EXEMPTIONS FROM THIS BY-LAW – subsection (a) item (iii):

(a) The Select Board, or its designee, may grant a special permit to a Property Owner or Property Manager:

- (i) for any activity otherwise prohibited under the provisions of this By-law,
- (ii) for an extension of time to comply with the provisions of this By-law and any abatement orders issued pursuant to it,
- (iii) when it can be demonstrated that bringing a source of noise into compliance with

the provisions of this By-law would create an undue hardship on a person or the community. A Property Owner or Manager seeking such a permit should make a written application to the Select Board, or its designee. The Town will make reasonable efforts to notify **tenants and residents of the subject property**, all direct abutters **and tenants and residents of direct abutters' property** prior to the date of the Select Board's meeting at which the issuance of a permit will be heard.

(insert, after section 8.3, the following:)

SECTION 8.4 TENANT AND RESIDENT NOTIFICATION

A. There shall be no discrimination on the basis of property ownership in the manner or timing of information provided to residents and tenants.

B. Where notice is required to be mailed to abutters, such notice shall be mailed to the owner of the abutting property, to tenants and residents of each unit on the abutting property, and to tenants and residents of the subject property. Providing

this notice shall be the ultimate responsibility of the individual or entity legally responsible for notifying abutters.

C. Urgent notices. Where emergency repairs preclude the mailing of notice, or in addition to mailing, neighborhood notices must be posted on the doors of each unit. Where multiple units are accessed via a secured entrance, notices posted securely on the two main entrances to each building AND slipped under the door, where possible, may serve as notice to all interior units,

D. In determining which residents are notified, notice to non-owner tenants or residents should be addressed to either (a) the name of the occupant, followed by "OR CURRENT RESIDENT," or (b) "Current Resident" unless occupant is known with certainty. Where notice is to be mailed to each active U.S. Postal Service ("USPS") delivery address on a city carrier route in conformance with USPS "Government Mailer" standards, the following may be used: "Postal Customer" (delivery desired at all addresses). "Residential Customer" (delivery desired at residential addresses only). "Business Customer" (delivery desired at business addresses only).

Or act on anything relative thereto.

ARTICLE 37

Submitted by: Amie Lindenboim TMM5, Michael Zoorob, Neil Gordon TMM1, Wendy MacMillan TMM4

To see if the Town will amend the Brookline Zoning By-Law to require all information or notices mailed to businesses and residents of the Town, that are intended to provide notice or information to all businesses and residents, or to certain businesses and residents based on their location, by or on behalf of the Town, or mailed by any individual, corporation, contractor, utility, or other entity in conformance with any rule, regulation, by-law, or other law or procedure enforced or overseen by the Town, be specifically mailed to current tenants and residents of each commercial and residential unit, rather than only the owner of the property, as follows:

(~~stricken language to be removed;~~ **bolded and underlined language to be added**)

§4.09 – WIRELESS TELECOMMUNICATIONS SERVICES

4. Procedure

All wireless telecommunications antennas mounted on buildings or structures not containing any dwelling units and not exceeding 10 feet above roof height, and related equipment, fixtures and enclosures shall be subject to review and approval by the Planning Board, in accordance with the design review process outlined in §7.03, paragraph 2., which allows for the applicant or any other interested party or Brookline citizen to appeal the Planning Board decision to the Board of Appeals within 30 days. The following additional notification shall be required: publication in a local newspaper at least one week prior to the Planning Board meeting, notice by mail to the applicant, property owner, **tenants and residents of the subject property**, abutters, **tenants and**

residents of abutters' property, abutters to abutters within 300 feet of the property, tenants and residents of abutters to abutters' property within 300 feet of the property, Town Meeting members, and neighborhood associations of the applicable precincts.

ARTICLE 4 USE REGULATIONS – SECTION 4.10 FLOODPLAIN OVERLAY DISTRICT – subsection 9 Criteria – item (b.), paragraph 1):

1) All flood water retention systems shall be suitably designed and located so as not to cause any nuisance, hazard, or detriment to the occupants of the site, ~~or~~ abutters, **or tenants and residents of the abutters' property.** The Board of Appeals may require screening, or landscaping of flood water retention systems to create a safe, healthful, and pleasing environment.

(Special Permits and Variances):

§9.08 – NOTICE TO TOWN MEETING MEMBERS AND OTHERS

At least seven days before any public hearing on an application for a variance, a special permit, or an extension of time pursuant to §9.07, the Board of Appeals shall mail or deliver a notice of such hearing, with a description of such application or a copy thereof, to each elected Town Meeting Member for the precinct in which the property is located and to those Town Meeting Members within all immediately adjoining precincts. At least seven days before any Planning Board Meeting, whether preliminary or final, on an actual or future application for a variance, special permit, or extension of time, the Planning Board shall mail or deliver a notice of such meeting to the applicants, **to residents and tenants of the subject property,** to immediate abutters to the subject property, **to tenants and residents of the immediate abutters' property, and** each elected Town Meeting Member for the precinct in which the subject property is located, to Town Meeting members within all immediately adjoining precincts, to all neighborhood associations registered with the Planning and Community Development Department and to all those specified on the Planning Board interoffice and distribution lists which may be amended from time to time. Notice to Town Meeting Members shall be in accordance with the names and addresses in the records of the Town Clerk.

§9.11 – ADMINISTRATIVE SITE PLAN REVIEW REQUIREMENTS FOR EDUCATIONAL USES IN RESIDENCE DISTRICTS

At the time the applicant files an application, the Planning Director shall give written notice of said filing to Town Meeting members in the precinct in which the proposed project is located and to immediate abutters of the property, **and tenants and residents of the immediate abutters' property.** The applicant shall give all reasonable assistance to the Planning Director in his/her review of the site plan, including, but not limited to, attendance of at least one meeting called by the Planning Director.

(insert, after section 9.12, the following section):

SECTION 9.13 TENANT AND RESIDENT NOTIFICATION

A. There shall be no discrimination on the basis of property ownership in the manner or timing of information provided to residents and tenants.

B. Where notice is required to be mailed to abutters, such notice shall be mailed to the owner of the abutting property, to tenants and residents of each unit on the abutting property, and to tenants and residents of the subject property. Providing this notice shall be the ultimate responsibility of the individual or entity legally responsible for notifying abutters.

C. Urgent notices. Where emergency repairs preclude the mailing of notice, or in addition to mailing, neighborhood notices must be posted on the doors of each unit. Where multiple units are accessed via a secured entrance, notices posted securely on the two main entrances to each building AND slipped under the door, where possible, may serve as notice to all interior units.

**D. In determining which residents are notified, notice to non-owner tenants or residents should be addressed to either (a) the name of the occupant, followed by "OR CURRENT RESIDENT," or (b) "Current Resident" unless occupant is known with certainty. Where notice is to be mailed to each active U.S. Postal Service ("USPS") delivery address on a city carrier route in conformance with USPS "Government Mailer" standards, the following may be used:
"Postal Customer" (delivery desired at all addresses).
"Residential Customer" (delivery desired at residential addresses only).
"Business Customer" (delivery desired at business addresses only).**

Or act on anything relative thereto.

ARTICLE 38

Submitted by: C. Scott Ananian, TMM 10

To see if the Town will adopt the following resolution:

WHEREAS Select Board members carry heavy, time-demanding responsibilities, particularly the Select Board Chair; and

WHEREAS though the stipend increased in 2011 to \$4500 for the Chair and \$3500 for other members, those amounts do not represent the true effort involved, essentially demanding an average of 20+ hours per week of time; and

WHEREAS offsetting the cost of serving the Town may allow more experienced professionals to serve, and the recent BFAC report identified areas where added expertise would aid Town decision-making processes; and

WHEREAS many Town residents who might otherwise be interested cannot afford to provide their time to the required level and therefore the current system is exclusionary and eliminates potentially excellent candidates; and

WHEREAS all Brookline inhabitants and employees will benefit from an inclusive Select Board elected from competitive races; now therefore

BE IT RESOLVED that the Town should raise the annual stipends of the Select Board to a total cost of compensation of \$30,000 (members) and \$35,000 (chair) effective for the Fiscal Year beginning July 1, 2021; and

BE IT FURTHER RESOLVED that such stipend should increase annually in a manner consistent with increases in Town Department Head salaries pending an affirmative action by Town Meeting to ratify that increase, as stated in the budget Conditions of Appropriation.

or act on anything relative thereto.

ARTICLE 39

Submitted by: C. Scott Ananian, TMM 10

To see if the Town will adopt the following resolution:

WHEREAS School Committee members carry heavy, time-demanding responsibilities, particularly the School Committee Chair and Vice-Chair; and

WHEREAS there is no stipend given to the Chair, Vice-Chair, or other members, despite the 20+ hours per week of time; and

WHEREAS offsetting the cost of serving the Town may allow more experienced professionals to serve, and the recent BFAC report identified areas where added expertise would aid Town decision-making processes; and

WHEREAS many Town residents who might otherwise be interested cannot afford to provide their time to the required level and therefore the current system is exclusionary and eliminates potentially excellent candidates; and

WHEREAS all Brookline inhabitants and employees will benefit from an inclusive School Committee elected from competitive races; now therefore

BE IT RESOLVED that the Town should budget for annual stipends to voting members of the School Committee at a total cost of compensation of \$15,000 (members) and \$20,000 (chair and vice-chair) effective for the Fiscal Year beginning July 1, 2021; and

BE IT FURTHER RESOLVED that such stipend should increase annually in a manner consistent with increases in Town Department Head salaries pending an

affirmative action by Town Meeting to ratify that increase, as stated in the budget Conditions of Appropriation.

or act on anything relative thereto.

ARTICLE 40

Submitted by: Stanley Spiegel, TMM2, Neil Gordon, TMM1

To see of the Town will vote to approve the following resolution:

WHEREAS, the affordability of housing for people of low or moderate means is a major concern in the Town of Brookline, and

WHEREAS, property taxes are a significant component of the cost of Brookline housing, and

WHEREAS, the likelihood of increasing property taxes will add significantly to the property tax burden on Brookline residents, and

WHEREAS the utilization by the Select Board of the Residential Exemption reduces property taxes for owner-occupied lower-valued properties, which provide the most affordable owner-occupied housing to people of low or moderate means, and also encourages owner-occupancy of residential housing in general, and

WHEREAS, the Commonwealth amended the General Laws in 2016 to increase the maximum Residential Exemption from 20 percent of the average assessed value of residential parcels to 35 percent, and

WHEREAS, of nine urban residential exemption communities, six have since set their exemptions at or above 30%, while Brookline lags behind all nine, at just 21%.

NOW THEREFORE, Town Meeting hereby resolves that the Select Board consider a substantial increase the Residential Exemption from the currently percentage up to the maximum amount allowed by law, when it sets the residential property tax rate for FY 2021 and thereafter,

Or act on anything relative thereto.

ARTICLE 41

Submitted by: Jeff Wachter (primary), Lara Jarrell, TMM P7, Shira Fischer, TMM P11, Robert Volk, TMM P4, Deborah Brown, TMM P1, Meggan Levene, TMM P3, David Leschier, TMM P11; Lisa Shatz; Eric Coles; Jeffrey Benson, TMM P3; Amanda Zimmerman

To see if the Town will adopt the following resolution:

WHEREAS Brookline's housing unaffordability negatively impacts low-, middle-, and upper-middle income residents, particularly renters;

WHEREAS Brookline's housing shortage adds to the unaffordable nature of the market;

WHEREAS according to the US Census Bureau, Brookline granted building permits for only 279 housing units from 2010 to 2018;

WHEREAS 47% of renters in Brookline are cost-burdened (spending more than 30% on housing), and 23% of renters pay more than 50% of income on housing;¹

WHEREAS there is widespread agreement among economists that a key part of solving the housing shortage is building more housing;

WHEREAS the 2016 Housing Production Plan identified 18 strategies to enhance Brookline's housing supply;

WHEREAS The Brookline Fiscal Advisory Committee recommends changes to zoning to promote economic growth and prosperity;

WHEREAS decreasing car trips by increasing access to walkable, transit-oriented communities via more housing can significantly reduce per capita carbon impact for the Boston region, which is a significant town priority as expressed by Town Meeting during November 2019's Special Town Meeting;

WHEREAS building more housing in Brookline will allow new residents to live closer to job centers and decrease the amount of time spent driving and idling in traffic;

WHEREAS Brookline is a generally transit connected community via the Green Line and multiple major bus routes traversing the majority of town, and more housing near transit allows current car commuters to shift to greener transportation methods;

WHEREAS the current zoning code in Brookline, both in practice and original intent, exacerbates racial and economic segregation in Brookline and the Boston region;

WHEREAS studies have shown that "anti-density zoning increases black residential segregation in U.S. metropolitan areas by reducing the quantity of affordable housing in white jurisdictions"²;

WHEREAS businesses struggle to recruit and retain employees due to high housing costs;

WHEREAS more people living near Brookline business districts will increase local businesses' customer base;

WHEREAS housing instability and un-affordability have negative impacts on health outcomes;³

¹ According to the United States Department of Housing and Urban Development: "Families who pay more than 30 percent of their income for housing are considered cost burdened." "Affordable Housing," HUD.GOV, https://www.hud.gov/program_offices/comm_planning/affordablehousing/

² Rothwell, Jonathan, and Douglas S Massey. "THE EFFECT OF DENSITY ZONING ON RACIAL SEGREGATION IN U.S. URBAN AREAS." Urban affairs review (Thousand Oaks, Calif.) vol. 44,6 (2009): 779-806. doi:10.1177/1078087409334163

³ University of Wisconsin Population Health Institute. County Health Rankings Key Findings 2019. <https://www.countyhealthrankings.org/reports/2019-county-health-rankings-key-findings-report>

WHEREAS today's market rate housing can naturally become more affordable units tomorrow as long as additional housing is being built over time;

WHEREAS multiple organizations have studied the question of the relationship between multi-bedroom units and school children and have not found evidence that one correlates with the other;

WHEREAS the dramatic rise in housing costs have created financial challenges for seniors and other longtime residents. Addressing affordability will help increase the likelihood of seniors aging in place and downsizing within the community;

WHEREAS creating the zoning and regulatory space for new market rate housing increases the possibility that Brookline's current stock of moderately priced housing may be maintained, preserving the limited naturally occurring affordable housing that does exist in town;

WHEREAS Brookline has signed the Metro Mayors' Coalition Regional Housing Task Force compact that calls for major increases in housing units to support our growing population by 2030 – initially estimated at 185,000 housing units across the region; WHEREAS the 2019 Greater Boston Housing Report Card issued by The Boston Foundation assessed Brookline's housing production as quite low - permitting only 9.6% of the units necessary to contribute our proportional share of regional housing need;

WHEREAS Brookline has a moral and ethical responsibility and the capacity to contribute its fair share toward the vital goal of housing development;

NOW, THEREFORE, BE IT RESOLVED that Town Meeting urges the Select Board, Planning Board, Housing Advisory Board, the Economic Development Board, the Zoning Board of Appeals, Advisory Committee, and any other board or committee that might consider the built environment of Brookline:

1. To prioritize planning to achieve a target of 3,330 new housing units to be built in Brookline by 2030, based on data derived from The Boston Foundation's 2019 Greater Boston Housing Report Card.
2. To develop and propose concrete zoning and regulatory changes necessary to increase the overall supply of housing units in Brookline, with a focus on ensuring a mix of housing at different income levels: subsidized low-income housing, workforce housing developed through various means including developer incentives and Inclusionary Zoning⁴, and market rate housing.
3. To consider strategies to overcome our historic racial and ethnic exclusion practices, and proactively undo the damage from the past 100 years of exclusionary zoning.

⁴ The Inclusionary Zoning by-law in Brookline currently requires projects with 6 to 15 units to contribute a cash contribution to the Affordable Housing Trust and projects with more than 15 units to allocate 15% of onsite units as affordable.

4. To require that appointees (and those reappointed) to these boards and commissions affirmatively agree to work toward the current housing targets when applicable and confirm their willingness to keep this target in mind when deliberating and voting in their capacity as a committee or board member.
5. To support Brookline's Zero Emissions goal by developing zoning strategies that maximize Brookline's public transportation usage and minimize the need for car trips.

Or act on anything relative thereto.

ARTICLE 42

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 10th day of March, 2020.

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 IN SAID TOWN ON TUESDAY, May 19, 2020 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