

**WARRANT ARTICLE EXPLANATIONS
FILED BY PETITIONERS FOR THE
NOVEMBER 19, 2024
SPECIAL TOWN MEETING**

ARTICLE 1

Submitted by: Select Board

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

ARTICLE 2

Submitted by: Human Resources

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.

ARTICLE 3

Submitted by: Select Board

This article will be used for the appropriation of Transportation Network Company (TNC) funds as recommended by the Transportation Board. The amount available this year is \$160,233.90 which represents 1,602,339 rides initiated in Brookline during 2023.

- Subsidized Transportation Programs for Older Adults: Support programs to increase access to transportation services for Brookline seniors in support of the Town's goal of Aging in Place and our designation as a World Health Organization Age Friendly Community and supplement funding to pay for the salaries of TRIPPS staff who manage the administrative aspects for the subsidized transportation programs, support Brookline seniors, and coordinate with local and national counterparts to provide the highest quality service possible. TOTAL FUNDING \$100,000
- Townwide Pavement Marking Maintenance: The Highway Division of the Department of Public Works maintains pavement markings for crosswalks, stop bars, bike lane symbols, and sharrows all over Town each year. As the Town continues to invest in adding more bike facilities and new marked crosswalks, additional funding will be needed to maintain these markings. Additionally, the Town is beginning to install flexposts adjacent to bike lanes in several places around Town. These are relatively high maintenance items, as they must be reinstalled or replaced when hit by vehicles. These activities add to the need for increased funding to support maintenance work completed by the Highway Division. TOTAL FUNDING \$60,233.90

ARTICLE 4

Submitted by: Alec Lebovitz (TMM-8) & Neil Gordon (TMM-1)

Massachusetts General Laws Chapter 59, Section 5N provides for the reduction of the property tax obligation of a veteran* in exchange for volunteer services.

* or a spouse of a veteran in the case where the veteran is deceased or has a service-connected disability.

This statute, if accepted by Town Meeting, would authorize the Select Board to create a Veteran's Property Tax Work-Off Abatement program. While the Town is afforded some flexibility in the design of this program, there are some required parameters established by the statute, such as the maximum allowable abatement and participant eligibility criteria. These program parameters closely mirror Massachusetts General Laws Chapter 59, Section 5K, which authorizes Brookline's Senior Work-Off Tax Exemption program that has been in operation since 2009.

Just like the Senior Work-Off Tax Exemption program, the program created by this article would allow eligible veterans, or their spouses, to reduce their property tax bill in return for volunteer service to the Town. Program participants would be limited to a maximum abatement of either \$1,500 or the equivalent value of 125 hours of service compensated at the state minimum wage of \$15 (a total of \$1,875). Like the analogous program for seniors, this abatement would be granted by the Board of Assessors after receipt of a Certificate of Service issued by the Town Department head supervising the work of each program participant. Each certificate will document the hours each participant has volunteered to the Town through the program, as well as the corresponding abatement amount to be granted. For veterans that did not work the maximum allowable hours, a pro-rated abatement amount would be paid based on the state minimum wage. Payments for this program would be made out of the Town's tax abatement overlay reserve account.

Participation in this program would not affect a participant's eligibility for other statutory property tax exemptions.

The operation of the Senior Work-Off Tax Exemption has demonstrated that this abatement model can provide tangible benefits for participants while also making skilled and affordable labor available to the Town. As of May 2024, the senior program had filled all 35 available program slots with active participants, with 4 additional 2024 applicants being placed on the wait list- this represents more seniors benefiting from the work-off program than from every other Town senior tax deferral and exemption program combined.

Participants volunteered in various roles for the Council on Aging, Brookline Senior Center, the Public Schools of Brookline, the Town Assessor's office, Putterham Library, and the Department of Parks and Open Space. Past years of the program have also seen participants placed in roles in the Select Board's office, the office of the Comptroller, the Planning Department, the Department of Public Health, the Fire Department, and the Recreation Division.

Like Brookline's senior community, there is a wide diversity of skillsets represented in the local veteran's community which, in conjunction with the numerous Town Departments that have participated in the senior work-off program, makes it highly likely that a sufficient number of placements could be created to support a Veteran's Property Tax Work-Off Abatement program.

An abatement program with 10 participants would cost between \$15,000 and \$18,75, depending on the maximum abatement adopted and assuming each participant works the maximum 125 hours.

ARTICLE 5

Submitted by: Kiran Bhatia

This proposed article aims to establish a Brookline Youth Council to enhance youth engagement in local government and community development, and requires no staff support from the town.

ARTICLE 6

Submitted by: Select Board

Warrant Article six authorizes the Select Board to accept a restrictive covenant from Puddingstone at Chestnut Hill, LLC in connection with the Developer's construction of the Puddingstone 40B development. The conveyance of this interest in land by the Developer is in accordance with the Developer's Comprehensive Permit (as modified, the "Comprehensive Permit"), as amended, and will be memorialized in a corresponding recordable instrument, the Declaration of Restrictive Covenant. The intent is to have the Developer and Select Board vote and execute the Declaration contingent on subsequent Town Meeting authorization.

The Declaration of Restrictive Covenant is a restrictive covenant prohibiting construction of any new buildings or paved surfaces not permitted by the Comprehensive Permit on the property shown as Parcel 2A-1 on that certain plan entitled "Hancock Village, Plan of Land in Brookline/Boston, MA (Norfolk/Suffolk County)", as contemplated by the Comprehensive Permit, as it may be amended from time to time. It covers the area surrounding the new multifamily building in the southwest portion of Hancock Village. The restrictive covenant mirrors the restrictive covenant already in place for the area surrounding the Residences of South Brookline development.

A copy of the draft Declaration of Restrictive Covenant will be posted online alongside the Warrant on the Town's website.

ARTICLE 7

Submitted by: Planning & Community Development

Initiated by the Planning Board, the Department of Planning and Community Development proposes a zoning amendment to Table 5.01 and to Article II definitions that would apply a 2.5-story height cap in S-10, S-7, S-4, SC-10, SC-7, T-5, T-6 in addition to the existing 35-foot maximum height allowed. The T-5(NH) district has a 2.5-Story cap and other form-based standards regulated separately under Sec. 5.93.

What the amendment would change:

1. In Table 5.01 (Dimensional Requirements) the change would apply a 2.5 Story Height cap in select S, SC, T districts that reflects the prevalent 2.5 story building envelopes existing in these smaller scale residential neighborhoods while facilitating expanded living area and accessory dwelling units.
2. Revises the definition for Half Story in Article II by setting a maximum height of two feet for the knee wall, a short wall that supports the roof rafters, and eliminating the maximum percentage of the floor area allowed for the attic level, which would have unpredictable consequences in districts with irregular lot sizes.

The article's benefits:

1. Gives the Planning Board and Board of Appeals basic design standards for legally enforceable decisions. The Planning Board has observed existing housing stock demolished to make way for out-of-scale three-story more expensive structures that do not add units, which is the Board's rationale for prioritizing this warrant article in 2024.
2. Encourages adaptive reuse in districts in which structures have pre-existing nonconforming floor area that exceeds the maximum allowed and are therefore susceptible to Massachusetts General Law Chapter 40A Section 6 findings under Deadrick¹ that ostensibly allow an applicant of a single- or two-family home to go even further beyond the maximum allowed FAR with no upper limit.
3. In districts where structures have low floor-area ratios compared to maximum FAR allowed, it facilitates expanded living area through adaptive reuse, conversions, additions and--in the case of full demolition--more predictable design outcomes.
4. By encouraging adaptive reuse, applicants have parameters to potentially avoid both demolition review and the appeals process, streamlining permitting time and reducing construction costs.
5. Complements proposed amendments to the Accessory Dwelling Unit (ADU) bylaw, which would allow a maximum of two ADUs per lot—either detached from or internal/attached to the principal structure, while encouraging either adaptive reuse or more predictable design outcomes in new construction.
6. Does not curb the capacity to maximize floor area ratio (though in full-fledged form-based zoning this unreliable metric would be eliminated, as it is in the Harvard Street Main Street District).
7. Does not preclude demolition. Instead it uses a general metric of 2.5 stories, the most basic form-based zoning metric, to discourage *indiscriminate* demolition that can contribute to housing costs and loss of embodied carbon.

¹ Appeals Court 2014: *Deadrick v. Zoning Board of Appeal of Chatham and subsequent cases*

8. Builds on the success of T-5(NH), which relies on a minimal version of form-based zoning centered on metrics for a 2.5-story envelope, roof and dormer specifications, and maximum building depth—which has resulted in adaptive reuse projects that expanded living area, added units, and avoided demolition review and special permit processes to streamline permitting time and costs.
9. Paves the way for the Toxteth-Perry two-family rezoning in 2025 to combine form-based zoning predicated on the 2.5-story envelope that characterizes this district while studying how additional units could be added to the neighborhood. www.brooklinema.gov/3833/

Encourages Adaptive Reuse

Town Meeting Fall 2022 passed a resolution asking the DPCD to study regulatory mechanisms to deter demolitions, especially in the two-family district. The DPCD promptly responded in Spring 2023 with the T-5(NH) zoning district covering the two-family district flanking north Harvard Street that sets forth minimal form-based zoning standards including a 2.5-Story cap.

Of the 13 permits issues between March 2023 and August 28, 2024 in this new district, it appears that none involved full demolitions. We are verifying this information as on occasion a property owner will commence the Demolition Review process as early as possible just in case project-planning requires a demolition permit: Not every applicant who goes through Demolition Review carries through with an actual demolition permit. Staff is analyzing how much square footage would be added through additions and conversions, though this will take some time as it is not tracked in Accela, the online permitting program.

Note that the relative success of the T-5(NH) zoning relies on a 2.5-Story cap plus other metrics, such as regulations for building depth. The rationale is that the 2.5-Story cap and other form standards encourage adaptive reuse because rebuilding after demolition would require constructing a building form similar to those in the prevailing development pattern.

Note that the provisions under Sec. 5.22 allow parcels in single-family (S and SC) districts to exceed the maximum allowed floor area. Property owners rely on these provisions to convert basements and attics or to construct dormers and additions, and in the majority of cases the structures benefitting from these provisions are 2.5 stories.

Although the provisions under Sec. 5.22 do not extend to T-5 and T-6 districts, these districts have higher floor area ratio limits of 1.0 and 0.75, which again can be realized through a combination of attic and basement conversions and exterior modifications such as dormers and side and rear additions.

Relation to Accessory Dwelling Units

The proposed basic building-envelope standard balances a separate proposed amendment to the Accessory Dwelling Unit bylaw that would allow two ADUs maximum per lot in single-family uses. (Section 8 of the Affordable Homes Act requires ADU laws to have a discretionary provision that would allow more than one ADU on a lot in single-family districts; the effective date of this statute is February 2, 2025; hence, the rationale for the ADU amendment. Note that the State does not have a definition of single-family districts; therefore, legal expert Amy Kwesell, of KP Law,

advises the Massachusetts chapter of the American Planning Association to interpret this to mean single-family uses in any district.)

First Assistant Town Counsel Jonathan Simpson has opined that to be consistent with the statute's allowance of ADUs up to 900 square feet, the Building Commissioner would not be able to deny a project that would exceed the maximum allowed FAR or require such a project to obtain a special permit to exceed maximum FAR. Similarly, because minimum required landscaped and usable open space are calculated as a percentage of gross floor area, those metrics cannot be used to deny an ADU project of 900 square feet—even if it exceeds maximum allowed FAR or does not meet minimum required open space. In such a case an applicant could seek protections under the statute similar to the Dover Amendment. The rationale is that FAR and open-space requirements based on floor area could limit achieving the maximum allowed square footage for ADUs set forth in the statute.

It is also prudent to modulate the *pace* of demolition until the Town understands the degree to which ADUs are successfully constructed through adaptive reuse, additions, and detached accessory structures. If FAR and similar dimensional requirements based on floor area cannot be relied upon as metrics to reasonably regulate bulk or even to manage the pace of demolition (as directed by Town Meeting), the Town needs another metric not keyed to floor area to serve as a predictable design standard. Because measurable dimensional requirements based on form are straightforward and objective, more communities are adopting form-based zoning standards to facilitate housing choices.

ARTICLE 8

Submitted by: Chi Chi Wu, Town Meeting Member, Precinct 7

Massachusetts and the nation face a critical shortage of housing. Nationally, [Zillow reports](#) that the US is short 4.5 million homes, while the Greater Boston region's deficit is over 150,000 units. This housing shortage translates into sky-high housing costs for both renters and homebuyers, including here in Brookline.

This warrant article provides an opportunity to address that housing shortage by adding units while avoiding teardowns and preserving existing housing. It allows conversions of existing structures in T (two-family) and SC (single-family and converted for two-family) zones from single-family to two-family even if they are on small lots. It would also allow conversions that add units in an existing structure on a small lot in an F (three-family) or M (apartment house) district. The newly added units are likely to be more modest in pricing in nature since they will tend not to be large units.

This warrant article removes the restriction on minimum lot size in Section 5.05 of the Brookline Zoning By-Laws. Removing a four (4) word restriction would allow conversions to add units where the existing structure sits on a small lot, granting the Zoning Board of Appeals the ability to issue a special permit in such cases. Since Section 5.05 only allows conversions, these projects would not involve teardowns or demolition.

An example of where minimum lot size hinders conversion of a single family to a two-family is a property that my family owns at 40 Beals St. This structure sits on a 3,097 lot. My family is

finishing the basement and in the future might like to convert it to a legal two-family. However, such conversion is not currently allowed under Section 5.05, even *though the structure and building envelope would remain essentially the same.*

Picture of 40 Beals currently	Architect's rendering of 40 Beals as a Two-Family
	

If we had been able to convert the basement into a separate unit, it would likely have been a modestly priced rental. However, Section 5.05 does not allow this structure to be used as a two-family, *even though it sits in a two-family zone.*

Note that even with the change proposed by this warrant article, we would still be required to obtain a special permit from the Zoning Board of Appeals for the conversion. That would act as a safeguard, not only in this situation, but where a homeowner in a similar situation might seek an expansion. Any expansion would need to be approved by the ZBA, and subject to the public process that accompanies a special permit.

This warrant provides incentives against demolition. Instead of tearing down an older small structure and replacing it with an expensive new structure with the same number of units, it allows conversion of an existing structure for more units for additional income. It could even allow for seniors struggling financially to stay in Brookline to create another unit either to sell as a condo or rent to allow them to remain in Brookline. It is a win-win for both pro-housing and the preservation minded.

ARTICLE 9

Submitted by: Primary Petitioner – Katha Seidman, TMM P2

Co-petitioners – Jonathan Klein, TMM P17; Alexander Lebovitz, TMM P8; Charles Homer, TMM P8, Jeff Wachter

Brookline and the Greater Boston area face a severe housing shortage which has resulted in extremely high (and rising) prices for both rental and owned homes. Our proposal protects our existing neighborhoods while creating more homes for more people by permitting homeowners in two-family districts to add a third unit when renovating or rebuilding their homes. Since this change will unfold gradually, it should begin now. Every additional home will help lower costs and improve the economic viability of Brookline and the region.

This article would allow an additional (i.e., a third) unit by right within “T” (two-family) zoning districts while retaining all other applicable zoning regulations. The article would not change the allowable height, lot coverage, floor area ratio, open space, parking requirements, or any other zoning parameter, and special permits will continue to be required for many proposed alterations. Our Warrant Article is complementary to the Planning Department’s proposed zoning changes for two-family districts.

Most of Brookline’s T district homes are currently owner occupied, and many of these are unlikely to be redeveloped. Our proposed warrant article would allow the conversion of a larger home to create a third unit. An additional unit could be added to a property in several different ways, including adding a home within existing attics or basements; legalizing undocumented attic and basement apartments; adding a unit with an addition to an existing building; reorganizing an existing building through significant interior renovation; or adding a third unit when a building is reconstructed. This additional unit could be rented out by the existing owner(s) or sold as a condo with the current owners benefitting from the proceeds. As Brookline confronts the need to raise taxes to support our schools and ensure basic Town services, residents could look to this third unit to offset those increases.

At present, some owners in T districts are choosing to gut renovate or tear down houses and rebuild, resulting in the more expensive, larger two-family homes that many residents dislike. Our proposed warrant article would allow homes that are already being renovated or rebuilt to spread the building’s square footage across three units rather than two, lowering the price point for at least one if not all three units. Such smaller homes, including studios and one-bedroom units, are attractive to young professionals, medical students, or downsizing empty nesters. And, by targeting long-term organic growth mostly in the Town’s Transit Parking Overlay District (TPOD), given that nearly 94% of T district parcels are within walking distance of commercial areas and public transit, two- and three-bedroom homes under 1,500 sq feet would give families attracted to Brookline the opportunity to move into a smaller home in a walkable, transit-accessible community.

Every gut renovation or rebuild that starts without allowing more homes is a lost opportunity. Implementing this change now will start the gradual process of adding homes in Brookline, an option that has been suggested repeatedly over the last many years.

Overall, this zoning change will help address our regional housing shortage; allow long-term organic growth; complement any current or upcoming design guidelines; allow Brookline to get more of what we want from the handful of annual tear-downs; add residents near our commercial districts, bringing new customers to Brookline businesses; and create opportunities for new neighbors to call Brookline home.

Background

The 2022 Demolition-Related Articles

In fall of 2022, Town Meeting passed a by-law change (Warrant Article 11) and a resolution (Warrant Article 12) to reduce demolitions and preserve the current built environment across Brookline (see Articles 11 and 12 in the [Combined Reports²](#)). Article 11 imposed an additional 12 months' delay on demolitions, effectively creating a 24-month delay on demolition permits. Article 12 asked "the Department of Planning and Community Development to consider measures to reduce the number of demolitions in Brookline" by the end of the 24-month moratorium on demolitions. The combined explanation for both Articles includes a series of reasons for the extended delay and suggestions for how the Planning Department could write new zoning regulations to codify the preservation of our current built environment.

The Planning Department's currently proposed Warrant Article would impose a 2.5 story height and roofline limit on homes built in our S (single-family), SC (single-family and converted to two-family) and T (two-family) zoning districts. The petitioners are concerned that this proposal addresses one urgent concern—the pressure to tear down existing homes—but not another: the severe shortage of housing in Brookline and the region.

This housing shortage has caused an increasingly acute problem of housing affordability for a majority in our community. The Commonwealth recognized the importance of permitting more homes at all price points—for our communities and our economy—when it passed the MBTA Communities Act. Brookline agreed that our Town needed to do its part when it overwhelmingly passed the Consensus MBTA-CA Warrant Article almost a year ago. The Harvard Street rezoning is a major achievement for Brookline, but, by definition, it permits more housing only in that one key corridor.

The idea of allowing additional units in residential zoning districts appears in the petitioners' own explanation for the 2022 demolition-related articles. As a solution to the assertion that older structures provide less expensive housing than their replacements, the petitioners suggested ***allowing "a greater number of housing units"***—including affordable units—than the underlying zoning allows, if the principal structure is preserved, perhaps through a preservation restriction

² November 2022 Warrant, Combined Reports with Supplements 120522

(emphasis added).”³ This was a key aspect of the discussion at Town Meeting and a crucial part of the balanced solution that Town Meeting contemplated when it passed those articles.

The recent actions by the Town and subsequently the Commonwealth to loosen restrictions on the creation of Accessory Dwelling Units (ADUs) in S zones help advance this balanced solution expressed by the 2022 petitioners. Allowing an additional unit in T districts represents another such opportunity.

Zoning Changes in T Districts

In the Spring of 2023, as part of its response to the 2022 demolition-related articles, the Planning Department proposed, and Town Meeting adopted, a zoning modification in an expanse of T-5 districts north of Coolidge corner (the “T-5 (NH)” rezoning). These changes, which were meant to discourage tear-downs and preserve neighborhood character, included massing standards, depth limitations, and roofline restrictions. Even the pro-housing group Brookline for Everyone endorsed the T-5 (NH) proposal *“as a first step,”*⁴ with the explicit expectation that the T-5 (NH) districts would be revisited with an eye toward allowing an additional unit (the “T-plus-one” idea, as it is often called).

The Planning Board took a similar position. Their favorable report stated that “[t]he committees understood that the new T-5 (NH) zoning *was meant to be a stop-gap measure to provide time for public discussion of the idea of allowing a third dwelling unit in the T-5 district* and allowing additional roof styles when architectural design standards were formulated for them (emphasis added).”⁵

It is in this context that the petitioners are concerned that the Planning Department’s proposed Warrant Article restricting building height to 2.5 stories would impose building envelope limitations in all remaining T districts without addressing the T-plus-one concept. *Our view is that limiting the buildable area in T districts should only be considered in tandem with allowing an additional unit.* (In fact, the Planning Department, in its explanation of the 2.5-story height limit, states that part of the problem being addressed is that “most new construction utilizing the full ‘cube’ building envelope usually results in demolition of existing housing stock *without adding any units* (emphasis added).”⁶

We understand the Planning Department’s concern that design guidelines should “reinforce the neighborhood character, preserve historically significant buildings, facilitate additional housing units, incentivize the conversion of buildings to fossil fuel free infrastructure, and disincentivize demolitions to preserve embodied carbon.”⁷ To that end, the Planning Department is working on neighborhood-specific form-based guidelines for the T districts in the Toxteth-Perry neighborhood, and these zoning changes, when proposed, may well permit an additional unit in those areas. If so, these new Toxteth-Perry regulations would satisfy both the need for preservation

³ Article 12 Amendment, Supplement No. 1, Page 2.

⁴ [B4E Spring 2023 Warrant Article Endorsements](#), Page 1 and 5

⁵ [2023 Annual Town Meeting Combined Reports](#), page 16-8

⁶ Planning Department Presentation to Select Board, August 19, 2024.

⁷ Letter from Brookline Planning Department to the Planning Board, 1/18/24

with neighborhood-specific design guidelines *and* the opportunity to add more housing at lower price points. Our Warrant Article is complementary to the Planning Department's current proposed Warrant Article and their future efforts in specific residential neighborhoods.

The Comprehensive Plan

An important consideration in all of this is the interface of these or any proposed zoning changes with Brookline's new Comprehensive Plan process, which is just getting underway. The petitioners recognize the importance of the Comprehensive Plan and respect the Select Board's recent Guidance encouraging zoning proposals to be shared and discussed with the Comp Plan Steering Committee. We fully intend to engage with the Steering Committee and hope that this

would occur concurrently with discussion of the Planning Department's proposed warrant article.

We recognize the value of limiting the flow of zoning changes so that the Comp Plan can serve its intended purpose. But the issues of residential preservation and the housing crisis are urgent and inter-related; they should be considered together. Modest zoning changes to address urgent needs can continue to be discussed concurrently with Comp Planning, and the petitioners believe it is reasonable to do so.

ARTICLE 10

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development proposes amendments to Article XI - Harvard Street Form-Based Zones of the Zoning By-law (adopted by Fall 2023 Town Meeting) that would expand the list of allowed exterior materials and update the Use Table consistent with the Attorney General's 2024 Decision.

The amendment would allow the following changes:

1. Amend Sec. 11-4.03 to no longer require 18-inch kickplates on doors
2. Amend Sec. 11-4.06 to expand the list of exterior materials beyond brick and fiber cement
3. Amend Sec. 11-4.10 to allow brackets on balconies but to no longer require them
4. Update the Table 11-7.02.A - Use Table to allow child care facilities and educational uses in all districts. Add and define Personal Services.

Exterior Materials

The new Harvard Street zoning, generously funded by the Select Board, enabled the Town to hire Opticos Design, a form-based zoning expert, to facilitate robust community engagement that attracted hundreds of community stakeholders who shaped the new laws for this prized Main Street district. Participants prioritized architectural standards to reinforce desirable aesthetics of this

beloved corridor and to avoid replicating certain conditions that detract from the streetscape; namely, materials that deteriorate rapidly, convey a flimsy plastic appearance, or are more typical of generic highway strip malls rather than the richly varied features characteristic of this walkable shopping district.

Despite this robust process, the list of exterior materials was too narrowly limited to slate, brick, and fiber cement, eliminating other creative choices that would further achieve goals for maintenance, performance, cost-effectiveness, and energy efficiency.

Planning Board advisors and architects Andrea Brue and Matt Hyatt updated the materials list and worked with staff to honor the vision for the corridor that community stakeholders desired during the Opticos-led workshops. As they edited, the advisors and staff were careful not to undermine the agreement brokered by Select Board Member Paul Warren and activist groups that led to overwhelming Town Meeting support of the Harvard Street zoning and a commitment to realizing the intent of the MBTA Communities Act. Although additional changes to the zoning might be warranted at a future Town Meeting, only one application under the Harvard Street has been submitted to date—giving us limited insight into where compliance constraints might be. This applicant, a childcare facility, can seek protections under M.G.L. c.40A sec. 3 “Dover Uses” to obtain exceptions from zoning; nonetheless, this applicant complies with all zoning requirements, except for two or three exterior materials (that would be allowed should this amendment be adopted).

Staff notified Town Meeting Members and presented the proposed draft at a public meeting before the Planning Board prior to submittal to Town Meeting. To help participants visualize how these products would be applied, the advisors prepared a photo gallery of buildings constructed in the Boston area with annotations. The photo guide is provided at this link: www.brooklinema.gov/3826

For example, wood, although a natural resource, can weather poorly and become aesthetically undesirable unless it is specified to be rot-resistant hardwood. Composite or engineered wood products are a high-quality alternative to hardwood, providing the appearance of wood with the advantages of low maintenance and high durability.

Kickplates on doors are not typical of all-glass commercial entryways; on residential doors this standard would require a custom order, a costly burden. Brackets on balconies are no longer required for structural support in modern construction unless desired for a traditional architectural expression.

Uses Table

Child care centers and educational services had been prohibited some districts and required a special permit in other districts. Consistent with M.G.L. c.40A sec.3 (“Dover Uses”), the Attorney General’s 2024 Decision stated that Dover Uses can not be prohibited or subject to a discretionary permit.

Separately, the amendment would add and define Personal Services as uses that provide a variety of services associated with personal grooming and well-being such as spa services and hair, nail,

and skincare salons. Such services would be allowed in all Harvard Street zones where commercial services are allowed.

ARTICLE 11

Submitted by: Steven Heikin on behalf of the Planning Board

The Planning Board is the primary reviewing body for compliance with the new Harvard Street Form-Based Zoning, relying in part upon previous review by a Technical Review Team comprised of representatives of various Town Departments. While the Planning Board supported the Harvard Street Zoning and recommended its approval to Town Meeting, the Board also voiced its concern that the Harvard Street Zoning was overly prescriptive in many respects, particularly with respect to design details and materials.

The Planning Board proposed an Amendment at last Fall Town Meeting, similar to the current one, to address this concern, but it was ruled out of scope by the Moderator.

Meanwhile, acknowledging some of the Planning Board's concerns, Planning Department staff worked with several members of the Planning Board – experienced architects – to add additional materials to those initially permitted, such as metal windows, and remove some unnecessarily restrictive requirements, such as requiring that all balconies be supported by brackets spaced no more than 6 feet apart. A Warrant Article proposing these specific changes is being submitted by the Department of Planning and Community Development (DPCD), along with this more general one submitted by the Planning Board.

This Warrant Article applies specifically to Chapter 11-4 of the Form Based Zoning (FBZ): “Massing, Façade Articulation and Architectural Elements Standards.” It is separate from the Allowable Adjustments in Form-Based Zones, which are listed in Table 11-1.06.A, and include lot dimensions; building setbacks (front, side and rear); building footprint; and parking location, each of which have specific adjustment allowances if the requested adjustment meets certain required findings.

The Planning Board believes that the application of the Harvard Street FBZ should incorporate this more general flexibility, as long as projects meet the intent of the requirements of Chapter 11-4. Any such relief proposed by the Planning Board from the strict requirements of Chapter 11-4 would be subject to public input at the required hearing during the Site Plan and Design Review process under the Harvard Street FBC.

The first – and so far only – project submitted for approval under the new Harvard Street Zoning is a day care facility in Brookline Village, which proposed the use of metal windows and other exterior materials not permitted under Chapter 11-4 of the FBZ. Because day care facilities are entitled to use the Dover Amendment, which provides for reasonable relief from local zoning requirements, these materials might have been allowed despite their prohibition under the new Harvard Street zoning. The proposed materials, however, are among the materials which would now be permitted under the DPCD's warrant article, if approved by Town Meeting by a 2/3 majority.

It seems very likely that more such issues will arise as new projects are proposed within the Harvard Street District. It seems very inefficient to require annual Town Meeting approval of such specific design issues as the use of metal (steel or aluminum) windows, which are currently prohibited by the Harvard Street FBZ, unless Town Meeting approves the current Warrant Article submitted by DPCD. Town Meeting approval of this more general path to relief would address this concern.

ARTICLE 12

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development proposes adding a section on outdoor lighting in Residential Districts to the Zoning By-Law to respond to residents' complaints about glare and light trespass. The new section would provide the Building Commissioner with accessible, measurable standards to make enforcement easier. It has come to our attention that the current Zoning By-Law does not do enough to address light pollution and glare. Staff feels that establishing clear, easy to digest, yet practical standards is a good starting point to foster enforceability by the Building Department.

Staff relied on the definitive standards set by the Illuminating Engineering Society (IES), community member input, other municipal regulations, and the expertise of Jennifer Pieszak, a lighting design professional and Brookline resident. According to the IES, five key principles of good lighting design are that it be useful, targeted, no brighter than necessary, used only when needed, and utilizing warmer temperature lights whenever possible.

The proposed standards would apply to outdoor lighting only in Residential Districts with the potential to add more complex standards suited to commercial and other districts later. The new section would not apply to the Harvard Street form-based zoning, which relies on more complex Backlight Uplight Glare (BUG) rating requirements and which serves as the town's pilot program for regulating lighting in commercial districts.

Some of the key standards are:

- Luminaires shall be fully shielded (with exceptions for entry ways) to avoid glare
- A color temperature of 3000 Kelvin or less, similar to warm incandescent bulbs;
- No direct light trespass more than five feet from the property line at the ground level;
- Specific hours of shut off for bare bulb lights (such as café lights and tree lighting) and shielded directional lights that accent trees or historic architectural features in front, side and rear yards;
- Limitations on flood lighting; and
- Exemptions would include public monuments, seasonal lighting, Harvard Street Article XI, and decorative sconces at front and rear entries.

Along with the Harvard Street lighting pilot, the amendment would serve as a meaningful step toward reducing light pollution throughout the Town.

ARTICLE 13

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development is proposing amendments to the sign requirements in the Zoning By-Law to address design concerns and make it easier for businesses to install effective signage in our commercial districts.

What the amendments would change:

1. Increase the maximum allowed projection of blade and banner signs including their brackets from 12 inches to a maximum of 3 feet
2. Allow by Special Permit signs on commercial and institutional buildings to be located more than 25 feet above street level for a primary tenant
3. Allow freestanding signs encroaching in yards less than half of the required setback to be approved by the Planning Board instead of requiring a Special Permit issued by the Board of Appeals--as long as the conditions under Sec. 5.45, visibility at street corners, are met
4. Minor administrative procedures

Benefits and provisions:

Staff has observed an increasing number of businesses that want to install projecting signs to provide more visibility for pedestrians. The Town's current Sign By-Law restricts projecting and banner signs to a maximum projection of 12 inches, including their brackets. This dimensional restriction makes the signage in some cases difficult for pedestrians to see, given that bracketing and other hardware can be anywhere from 4 to 6 inches wide. The resulting signs tend to be extremely narrow, and the regulations do not provide enough flexibility for effective signage. Staff analyzed the widths of commercial sidewalks, which range from 8 feet to 9 feet. A projection of 3 feet allows for aesthetic variety and legible wording and would be in proportion to one- and two-story buildings on a narrow sidewalk. Three feet would be a maximum and where appropriate the Planning Board through its design review could approve a smaller sign.

The amendment would allow by Special Permit signs to be located on commercial and institutional building more than above street level. The current Sign By-Law prohibits signs above 25 feet in height from the ground, unless a variance is sought, which can be a difficult and drawn out process. For example, this provision would grant hotels, colleges, and medical facilities, as long as they are the primary tenants of a building, more visibility for passing vehicular traffic and a navigational tool for visitors new to Brookline community.

This new provision for allowing signs above 25 feet includes the following design standards:

- maximum sign area of 100 square feet,
- the logos and letters are designed to be an integral part of the exterior of a building
- If a building has two façade signs located more than 25 feet above the ground, the signs must be located on opposite facades to prevent excessive signage and crowding.

In addition, the amendment would allow exceptions to freestanding signs that are located less than one half of a required setback. We are proposing that the Planning Board may approve reduced setbacks for freestanding signs, by design review, if the requirements under Sec. 5.45 are met for corner lots and that the Director of Engineering and Transportation determines that no safety hazard will result. As of now, any reduction to less than one half of a required setback would require a special permit approved by the Zoning Board of Appeal, which is a longer and more costly process.

Last, because sign/façade cases before the Planning Board are posted to the Town Calendar, the amendment would no longer require notification to Town Meeting Members, which creates an undue burden for these officials. This is outdated language that was likely in effect prior to current technology which makes meeting agendas publicly accessible through the town's website.

ARTICLE 14

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development proposes amending the current provisions in the Zoning By-law that allow by Special Permit exceptions to setbacks between more than one building on one lot, either configured side by side (Sec. 5.03) or front to rear (Sec. 5.04) as follows:

1. Buildings in only M-1.0 districts would be required to remain under the same management but would no longer be required to remain in the same ownership, thereby allowing condominium ownership in addition to rental.
2. In exchange for an exception to minimum setbacks between buildings, the applicant would need to provide following one or more of the following:
 - a. locate affordable units on site that are not otherwise required *or*
 - b. apply a tree planting standard

Scope of the problem this article addresses:

According to Town Counsel, requiring buildings to remain in the same ownership could be a violation of M.G.L. c.40A as it would preclude condominium ownership and allow only rental. Staff prefers to eliminate the ownership requirement for all Multifamily districts, but will propose doing so when there is more time to notify and engage affected property owners. For the reasons below, focusing on just M-1.0 districts at this time has practical benefits.

The amendment would incentivize smaller scale buildings typical of the M-1.0 district to serve as townhomes, expanding the range of building types that provide multifamily uses.

At this time two or more principal buildings are not allowed on the same lot in single- and two-family districts (with the exception of cluster subdivisions allowed in certain single-family districts under Sec. 5.11). Larger scale multifamily and commercial districts tend to be block scale; therefore, this provision would have a practical application in the M-1.0 district.

According Planning Director Kara Brewton’s August 20, 2024, report to the Select Board, 57% of the Town’s two- and three-family structures are in M-1.0 districts. Extending a setback relief provision to these parcels enables applicants who wish to adapt the existing house-scale structure and add a second detached structure on the same lot as condominiums.

For example, in past year at least two owners of two-family homes in M-1.0 districts have inquired about adding a second structure at the rear of their lots to which they can downsize. Under Sec. 5.04, the separation between the two buildings is required to be twice the minimum rear yard setback, or 60 feet—nearly impossible to meet in an urban area. Exceptions to this setback are available only if the buildings are maintained as rental. This restriction could incentivize the homeowner to sell to an investor who might demolish and construct large units more expensive than the housing stock they are replacing, typically selling about \$3.5M each.

In addition to resolving this discrepancy with c.40A, the flexibility may allow for increased adaptive reuse of buildings of smaller scales, providing multifamily units to meet the needs of households at different life stages.

ARTICLE 15

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development is proposing amendments to the Accessory Dwelling Units (ADUs) requirements in the Zoning By-Law to comply with the Affordable Homes Act enacted on August 6, 2024.

The Affordable Homes Act amended the M.G.L Chapter 40A Section 1A and Section 3, pertaining to ADUs, and all communities are required to comply by February 2, 2025. Sections 7 and 8 of the approved Act require municipalities to allow a single ADU not larger than ½ of the gross floor area of the principal dwelling or 900 square feet, whichever is smaller, to be built by-right within the same lot as a single-family dwelling, prohibits owner-occupancy requirements of either the accessory or principal dwelling, and allows more than one ADU per lot to be built by special permit. Additionally, the Act prevents municipalities from requiring a special permit or unreasonably restricting the creation or rental of an ADU that is not a short-term rental while allowing communities to establish reasonable dimensional setbacks and massing.

Town Counsel has advised that, to align with the statute permitting ADUs up to 900 square feet, the Building Commissioner cannot reject a project for exceeding the maximum allowed Floor Area Ratio (ratio of building area divided by lot area, or FAR) or require a special permit to exceed it. Similarly, since the minimum required landscaped and usable open space are calculated as a percentage of gross floor area, these metrics cannot be used to deny a 900-square-foot ADU project—even if it surpasses the maximum FAR or does not meet the minimum open space requirements. In such cases, an applicant could seek protections similar to those under the Dover Amendment (Chapter 40A, Section 3), which exempts certain uses from certain zoning restrictions. The rationale is that FAR and open-space requirements based on floor area could restrict achieving the statute’s maximum allowed square footage for ADUs.

Below is a summary of changes to ensure that Brookline’s zoning by-law complies with the state mandate:

1. Eliminate owner occupancy requirements.
2. Allow ADUs in all districts by adding O - Business and Professional Office districts, where detached single-family use is allowed.
3. Increase the maximum allowed ADU habitable space as a percentage of the principal dwelling gross floor area from 40% to 50%.
4. Eliminate the 120% FAR cap for adding an ADU. This cap conflicts with the by-right definition of an ADU, which allows it to be up to half the gross floor area of the principal dwelling or 900 square feet, whichever is smaller. Removing the cap will enable single-family properties in the different zoning districts to add a by-right ADU without being restricted by the current FAR limits in Table 5.01.

District	Minimum lot size	FAR	Maximum GFA	Max GFA 120%	Additional GFA 120%	Maximum ADU (50%)	Max ADU will always be 900	Maximum FAR with 900sf ADU
S-40	40,000	0.15	6,000	7,200	1,200	3,000	900	115%
S-25	25,000	0.20	5,000	6,000	1,000	2,500	900	118%
S-15	15,000	0.25	3,750	4,500	750	1,875	900	124%
S-10	10,000	0.30	3,000	3,600	600	1,500	900	130%
S-7	7,000	0.35	2,450	2,940	490	1,225	900	137%
SC-7	7,000	0.35	2,450	2,940	490	1,225	900	137%
SC-10	10,000	0.35	3,500	4,200	700	1,750	900	126%

Under the current zoning, only S-40 and S-25 districts could add a by-right 900 sf ADU without exceeding the 120% FAR. FAR and lot coverage are considered unreasonable restrictions.

5. Eliminate a special permit for conversions of garages and extend conversions to accessory buildings other than garages (ex: barns, carriage houses).
6. Eliminate a special permit for conversions of non-conforming structures and add a provision requiring screening for those converted structures. While ensuring compliance with the act, this change intends to also encourage adaptive reuse in lieu of demolition and protect direct abutters.
7. Eliminate the requirement that garages can only be converted if existing for 5 years.
8. Add by-right dimensional and massing standards for detached structures to provide predictability in keeping with neighborhood character. Similar to other detached structures, detached ADUs will still only be allowed in side and rear yards with a minimum setback of 6 feet. The allowed height will be increased to 22 feet and 1.5 stories, to reasonably allow habitable space over a garage.

To determine massing standards for detached ADUs, staff consulted with the building department, architects, and developers to understand what would be the minimum height compliant with building code as well as to provide a comfortable living space above a detached garage. The successful experience with the T-5(NH) massing standards which have now been in place for a little over a year, assures the effectiveness of form-based zoning in encouraging the production and preservation of homes and adaptive reuse while preserving neighborhood character. The form-based approach also gives the Building Commissioner basic design standards for legally enforceable decisions.

9. Add language to ensure that whenever there is a conflict between the FAR and, consequently, Open Space requirements of Table 5.01, the provisions of the Affordable Homes Act (as incorporated in the Brookline Zoning By-Law) shall prevail.
10. Allow new detached ADUs that comply with established dimensional and massing standards.
11. Eliminate a special permit for expanding a principal dwelling envelope to create an ADU, including alterations visible from the street (i.e. egress stairways), if dimensional requirements are met.

This provision is complemented by the 2.5-story Height Cap amendment which would apply a height cap in selected S, SC, and T districts to ensure predictable design outcomes of expanded principal dwellings to create an ADU and encourage adaptive reuse of basements and attics.

12. Allow more than one ADU by special permit, but cap at two and require the second ADU to be rental deed restricted.
13. Add a provision to ensure applicants present a compliant plan for parking for the conversion of garages in place of a special permit. New non-compliant parking arrangements will be subject to a special permit.
14. Delete maximum number of occupants' provision to align with the current definition of Family, which does not cap the number of occupants.
15. Remove the prohibition against separately deeding an ADU or the principal dwelling as a condominium and add a revised provision requiring that both units remain under the same management.
16. Standardize the use of the term "ADU" throughout the by-law, replacing the full name "Accessory Dwelling Unit" to ensure consistency and improve readability.

ARTICLE 16

Submitted by: Alisa Plazonja, Resident, P8; Catherine Donaher, Resident, P2; Olivia Fischer Fox, Resident, P4; John Harris, TMM P8; Francine Perler, TMM P8; Hugh Mattison, TMM P5; Richard Murphy, TMM P16.

1. Background - The Need for an Expanded Tree Preservation Bylaw

All of us in Brookline owe a debt of gratitude to the early and mid-19th century large landholders – the Sears, the Olmsteds, the Lees, the Andersons, the Richardsons, and many others – who by their own planting of tens of thousands of trees throughout the Town have left us with a legacy of a magnificent tree canopy that is special to Brookline and should be protected and preserved for future generations.

In 2016, Brookline published its Urban Forest Climate Resiliency Master Plan (“the Plan”). Core to the Plan is a recognition of the critical role that Brookline’s tree canopy plays in supporting public health through the many environmental benefits that trees provide, particularly related to climate change mitigation and storm water management. As such, the Plan calls for Brookline to preserve and increase its tree canopy. However, when the Plan was updated in 2021, the Town found that over the prior six years, Brookline’s tree canopy had in fact decreased by almost 2%, with 50% of the loss occurring on lots with one to three family dwellings.

A 2% loss may seem like a small number, but it equates to net loss of 71 acres of tree canopy, or roughly the size of eight (8) Fenway Parks. As concerning, this loss happened even as the Town planted 300-400 new trees per year. If we don’t better protect existing trees and this rate of loss were to continue, the Town would lose another 113 acres of canopy by 2030.

Brookline’s existing Tree Preservation Bylaw was an important step toward starting to protect our tree canopy. In bringing a Tree Protection Warrant Article to the 2022 Fall Special Town Meeting, its proponents reintroduced to the Town and its residents the critical need for a tree preservation bylaw in Brookline. The Warrant Article was overwhelmingly approved (237 in favor, 7 opposed, and 2 abstentions). However, the scope of the current Bylaw is very narrow – it applies **only** to removing trees of a specified size on residential lots where significant demolition or construction activity occurs, and its provisions do not extend to the removal of substantial trees on **all** private property, which is where the majority of our tree loss occurs. As a result, the current Bylaw leaves portions of Brookline’s tree canopy vulnerable to continued loss. Adoption of this amendment, which incorporates features of the tree preservation and protection laws of our neighbors in Cambridge and Newton such as extending protections to the entire lot, would better protect Brookline’s tree canopy throughout the Town and demonstrate leadership on climate change mitigation.

Climate change is the environmental issue of our time, and trees are a critical asset to help us mitigate the threats that climate change pose. For the sake of our children and grandchildren, we need to step up and provide stewardship to our Town so that they may enjoy the earth as we have. Let’s join together now to strengthen our tree preservation bylaw so that future generations will look at us – much as we look at our forebears – as having had the foresight and courage necessary to preserve our tree canopy for them.

2. Summary of Principal Proposed Changes

As summarized in Brookline’s Urban Forest Climate Resiliency Plan, tree removal by individual owners on individual lots is the greatest driver of canopy loss. Accordingly, this proposed amendment takes a holistic approach to expanding and strengthening the existing Tree Preservation Bylaw through the following changes summarized below.

Changes Related to Tree Removal

Covered Property

Current Bylaw: The current Bylaw applies only to residential property.

Proposed Amendment: The Bylaw would apply to all private property.

Reason for Change: Protect more trees.

Location of Protected Trees

Current Bylaw: The current Bylaw applies only to specified trees within a 20' border of a covered lot's property line.

Proposed Amendment: The Bylaw would extend protections to specified trees anywhere on the lot.

Reason for Change: Protect more trees. (The ordinances of both Cambridge and Newton apply to the entire lot.)

Circumstances for Tree Removal

Current Bylaw: The current Bylaw applies only in the event of significant demolition or construction activity.

Proposed Amendment: The Bylaw would apply to the removal of any Protected Tree for any reason.

Reason for Change: Protect more trees.

Notice to Abutters

Current Bylaw: The current Bylaw does not require any notice to abutters prior to tree removal.

Proposed Amendment: The Bylaw would require that direct abutters be notified as part of the permit application process.

Reason for Change: Trees on neighboring properties provide many benefits. Requiring notice would provide neighbors with the opportunity to engage in community dialogue, and also assist in complaint-driven enforcement.

Mitigation for Trees That Are Removed

Current Bylaw: The mitigation formula in the current Bylaw is a linear formula requiring that for each 1" of DBH removed, an equivalent 0.5" of DBH be replanted.

Proposed Amendment: The mitigation formula would be exponential and require a greater proportional replacement for larger trees that are removed .

Reason for Change: To recognize that mature trees are exponentially more valuable than younger trees due to the scale of their carbon capture⁸, shade and cooling; and therefore, larger trees warrant increased mitigation. (The new formula is used in Newton’s Tree Preservation ordinance.)

Invasive Species

Current Bylaw: Invasive species are exempt from the current Bylaw.

Proposed Amendment: Invasive species would be considered Protected Trees, subject to permitting requirements, but mitigation for the removal for invasive species would be at the discretion of the Reviewing Agent.

Reasons for Change: Given the prevalence of invasive species in Brookline (e.g., as of 2021, 15% of public trees were Norway maples⁹), it is important to be aware of any removals since they could materially erode the tree canopy. Also, some invasive species provide climate benefits such as shade, cooling, carbon capture and wildlife habitat. However, recognizing that the removal of an invasive species may on balance be better for the overall health of Brookline’s tree canopy, the amendment gives the Reviewing Agent the flexibility to waive any mitigation requirements.

Changes Related to Tree Protection

Activities Requiring a Tree Protection Plan

Current Bylaw: The current Bylaw only requires a tree protection plan in the event of (a) demolition of an existing structure of 250 gross square feet or greater; (b) construction of any building or structure on a vacant lot; or (c) construction of one or more structures or additions to structures on a lot that increases the Gross Floor Area (GFA) by 50% or more.

Proposed Amendment: A Tree Protection plan would be required if there are any Protected Trees within 30 feet of planned demolition activity, excavation activity, or construction activity that alters the footprint of a structure.

Reasons for Change: (a) Ensure the protection of nearby trees during any demolition activity, (b) excavation is particularly perilous for a tree’s critical root zone, and (c) any construction that alters the footprint of a building has the potential to encroach on nearby Protected Trees.

Tree Save Area

Current Bylaw: The current Bylaw defines the Tree Save Area as the “minimum area beneath the canopy of the tree which must be left undisturbed in order to preserve a sufficient root mass to give the tree a reasonable chance at survival,”

⁸ Barnard P, Moomaw WR, Fioramonti L, et al. World scientists’ warnings into action, local to global. *Science Progress*. 2021;104(4). doi:[10.1177/00368504211056290](https://doi.org/10.1177/00368504211056290)

⁹ Brookline Department of Public Works, et. al. *Brookline Urban Forest Climate Resiliency Master Plan*. 2021. p. 69.

but the Rules & Regulations define the Tree Save Area according to a formula of 1.0 foot of radius for every inch of the tree's DBH.

Proposed Amendment: The Tree Save Area would be the larger of (a) 1.5 feet of radius for every inch of DBH, or (b) the tree's drip line.

Reason for Change: Increase protection for a tree's critical root zone. (The new formula is used in Newton's Tree Preservation ordinance.)

Changes Related to Tree Loss Monitoring

Data Collection and Reporting

Current Bylaw: The current Bylaw and related Rules & Regulations do not require the tracking or reporting of any data related to tree removals.

Proposed Amendment: The Town would be required to track and regularly report on the location of trees removed, types of trees being removed and the mitigation steps taken.

Reason for Change: The Town currently only monitors its tree canopy through a LIDAR survey, typically conducted every six years. Collecting and regularly reporting on tree removal activity will allow the Town to understand and respond to tree loss on a more timely basis.

3. The Value of Trees

Brookline's Urban Forest Climate Resiliency Master Plan enumerates the many public benefits of trees, which include but are not limited to:

- Environmental benefits, such as
 - improving local and global air quality
 - improving water quality and quantity by helping to manage stormwater runoff
 - mitigating the urban heat island effect
 - decreasing energy use
 - storing and sequestering carbon
 - providing wildlife habitat and supporting biodiversity
- Social benefits, such as
 - improving physical health
 - reducing air pollutants
 - moderating excessive heat
 - protecting from ultraviolet rays
 - supporting mental health
 - reducing noise
 - improving privacy
 - promoting an active lifestyle, and
 - enhancing community livability and resilience

More details on the benefits of trees, along with supporting citations, may be found at <https://www.arboday.org/trees/treefacts/>.

Note that while increased residential density is in part a response to climate change, trees need to be retained, not removed, to make denser communities more livable and to help mitigate the urban heat island effect. According to the World Economic Forum, “urban trees can help cities achieve 15 of the 17 UN Sustainable Development Goals. While cities and countries have undertaken initiatives to plant trees, continuous efforts are required to ensure urban trees attain maturity and full life. Cities can start by amending laws to increase minimum urban tree cover area, avoid concretization of public space allowing saplings to flourish, and relocate mature trees to open spaces instead of felling. *The future of sustainable and inclusive cities will surely depend on how we tend to and protect our urban trees.*”¹⁰

4. The Extra Value of Mature Trees - Why Saving Larger Trees Matters

QUESTION: Why are mature trees so important?

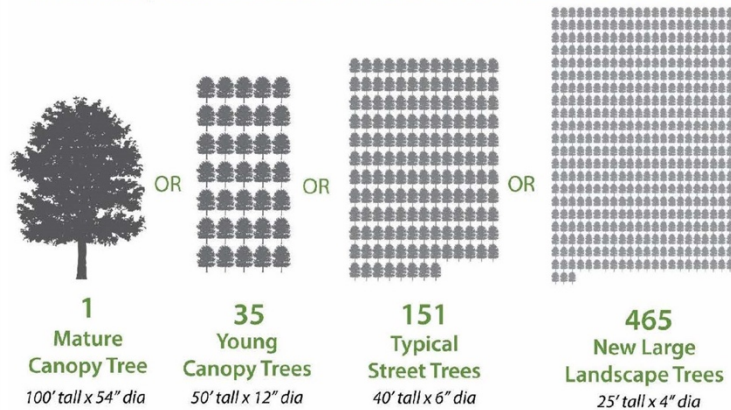
ANSWER: They store carbon—the gas that contributes to climate change (CO₂ is estimated to be responsible for 80% of current temperature increases). Growing trees acts as a SINK for carbon, and the loss of existing big trees releases carbon back into the atmosphere. More carbon contributes to higher temperatures.

Climate change is the greatest challenge of our generation, but trees are here to fight for us. Consider the chart that follows, which is cited by William R. Moomaw, Professor Emeritus of International Environmental Policy at the Fletcher School, Tufts University, in the paper referenced above. (Among his many accomplishments, Professor Moomaw was a lead author for several Intergovernmental Panel on Climate Change (IPCC) reports, including several chapters of the IPCC report from the 2007 panel that was awarded the Nobel Peace prize.)

¹⁰ Rai S, Verma A. The roots of sustainability: 5 reasons why cities need trees. *World Economic Forum*. 2022; <https://www.weforum.org/agenda/2022/06/cities-urban-trees-climate-change/>

CARBON ROCK STARS: LARGE, OLDER TREES AND FORESTS

How many oak trees does it take to store 8 tons of carbon?



"A large northern red oak measures 14 feet in circumference [54 inches diameter at breast height (dbh)]. Its height is 100 feet. Approximately 50% of this dry weight is carbon, or 7.7 tons. This amount of carbon has a CO₂ equivalency of 28.2 tons. Let's say we have a 12-inch dbh, 50-foot tall, young northern red oak. It would take 35 young trees to match the carbon of the one large oak. Using a 6-inch dbh, 40-foot tall oak, the number of young trees needed to match the one big tree soars to 151! Finally, let's drop to a 4-inch DBH and 25-foot height. The number of oaks required skyrockets to 465! It takes 10 or more years to get a young red oak up to this [4-inch dbh] size...Let's take a young, newly planted tree from nursery stock...its diameter is 1 inch and it is 4.5 feet tall...it would take 61,364 newly planted trees to match the carbon in our one large oak, and they would be three years old!...Assuming each 1-inch diameter seedling controls only 5 ft² of ground space, then the total area needed to hold the seedlings becomes...7.0 acres... The lesson is clear: Save big trees where possible." - Robert Leverett, Co-founder, Native Tree Society

Source: Leverett R.T. 2021. Carbon Storage in Large vs Small Trees – an Example. Unpublished Text.

Also See: Leverett R.T., Masino S.A, and Moomaw W.R. 2021. Older eastern white pine trees and stands accumulate carbon for many decades and maximize cumulative carbon. *Frontiers in Forests and Global Change* 4: 620450. doi: 10.3389/ffgc.2021.620450

Prepared in 2021 by:



For the *Apple Country Natural Climate Solutions Project*, a collaboration of the Towns of Bolton, Harvard and the Devens Regional Enterprise Zone.

Funded by the Massachusetts Municipal Vulnerability Preparedness Program.



Based on the chart above, if using a 4" diameter replacement tree, the removal of a 54" diameter tree requires that 465 new trees, or 1,860" of DBH, be planted to offset the lost carbon capture of the original tree. Under the current Bylaw, only 27" of DBH would need to be replanted (1/2" per inch of DBH), and under the proposed amendment, 108" of DBH would need to be replanted (2" per inch of DBH). As such, while the proposed new formula would increase mitigation requirements, it would still fall far short of compensating for the significant loss incurred by removing mature trees.

Think twice before you consider removing a tree. Small replacement trees, while better than no trees, cannot match the carbon storage of one big tree. As noted by Charles Harvey, a professor of civil and environmental engineering at MIT who studies carbon storage in forests, "Planting trees where they've been lost is often a good idea, and that will take up CO₂, but a much more efficient thing to do, to have a larger effect for the same effort, is to stop cutting down trees. It's almost silly to think about planting a huge number of new trees while we're just burning and

destroying them everywhere, releasing carbon at rates that are much higher than what new growth would take up.”¹¹

5. Proposed Amended Bylaw

For readability, a clean version of the proposed amended Bylaw follows below without marked changes.

ARTICLE 8.41: TREE PRESERVATION BYLAW (with the amendments proposed in this Warrant Article incorporated)

8.41.1. **PURPOSE:** Trees are an important community resource that are proven to mitigate the effects of climate change, provide shade and cooling, alleviate the urban heat island effect, sequester carbon, reduce air pollution, help manage stormwater runoff, serve as a natural noise barrier, support biodiversity and provide wildlife habitat. The purpose of this Tree Preservation Bylaw is to preserve, protect and promote the health, safety, and welfare of the public and support the Town’s efforts to meet its established net-zero carbon emissions goals by regulating the removal and protection of certain trees.

8.41.2. **DEFINITIONS:** For the purposes of this Tree Bylaw, the following definitions shall apply:

2.1 **Caliper:** Diameter of a tree trunk (in inches). For trees up to and including four (4) inches in diameter, the caliper is measured six (6) inches above the existing grade at the base of the tree. For trees larger than four (4) inches in diameter, the caliper is measured twelve (12) inches above the existing grade at the base of the tree.

2.2 **Certified Arborist:** A professional arborist possessing current certification issued by the International Society of Arboriculture (I.S.A.) and/or the Massachusetts Arborist Association (M.A.A.).

2.3 **Diameter at Breast Height (DBH):** The diameter of a tree trunk at four and one-half (4.5) feet above the existing grade at the base of the tree. If a tree splits into multiple trunks below four and one-half (4.5) feet above the existing grade, the DBH shall be considered to be the measurement taken at the narrowest point beneath the split.

2.4 **Invasive Species:** Any plant or tree listed on the most recent version of the Massachusetts Prohibited Plant List as published by the Massachusetts Department of Agriculture, or currently listed as “likely invasive” or potentially invasive” by the Massachusetts Invasive Plant Advisory Group (MIPAG).

2.5 **Excavation:** The removal of twelve (12) or more inches of earth, soil or rock for the purpose of construction, land grading, utility work, irrigation work, or drainage work.

2.6 **Protected Tree:** Any existing tree with a DBH of six (6) inches or greater, or any Replacement Tree.

¹¹ Moseman A. How many new trees would we need to offset our carbon emissions? *MIT Climate Portal*. 2024; <https://climate.mit.edu/ask-mit/how-many-new-trees-would-we-need-offset-our-carbon-emissions>

2.7 Replacement Tree: Any tree planted to mitigate the removal of a Protected Tree pursuant to Section 8.41.5.2 of this Bylaw.

2.8 Reviewing Agent: Any agent or employee delegated in writing by the Commissioner of Public Works to administer and implement this Tree Preservation Bylaw.

2.9 Tree Preservation Fund: An account established under this Bylaw pursuant to M.G.L. 44 § 53E½ for the deposit of permit application fees and contributions in lieu of tree replanting as required by this Tree Preservation Bylaw.

2.10 Tree Protection & Mitigation Plan: A plan submitted to the Reviewing Agent for approval prior to the commencement of demolition activity, excavation activity, or construction activity that alters the footprint of a structure on any property on which a Protected Tree is located within 30 feet of where such activity would occur.

2.11 Protected Tree Impact and Removal Permit: A permit issued by the Reviewing Agent prior to either (a) the commencement of demolition activity, excavation activity, or construction activity that alters the footprint of a structure on a property on which a Protected Tree is located within 30 feet of where such activity would occur, or (b) the removal of a Protected Tree.

2.12 Tree Removal: The mechanical destruction or demolition of a living tree, or any act that (a) has caused a tree to die within the previous 24 months, or (b) is likely to cause significant decline or death to a tree, as determined by the Reviewing Agent, including, but not limited to, damaging, poisoning, or excessive or improper pruning.

2.13 Tree Save Area: The minimum area surrounding a Protected Tree which must be left undisturbed in order to preserve a sufficient root mass to give the tree a reasonable chance at survival, defined as the radius around the tree of 1.5 feet per inch of DBH, or the tree's drip line if greater.

8.41.3. TOWN OF BROOKLINE TREE FUND: There is hereby established a Town of Brookline Tree Preservation Fund ("Tree Fund") pursuant to M.G.L. 44 § 53E½. Any permit application fees or contributions collected per Section 8.41.5.2(b) of this Bylaw shall be deposited in the Tree Fund, and shall be expended by the Commissioner of Public Works solely for the purpose of purchasing, planting and maintaining trees within the Town and for the implementation of this Tree Preservation Bylaw.

8.41.4. SCOPE AND APPLICABILITY

4.1 Within all zoning districts of the Town, it is prohibited to remove a Protected Tree (as defined in 8.41.2.6) or conduct any demolition activity, excavation activity, or construction activity that alters the footprint of a structure within 30 feet of a Protected Tree without a Protected Tree Impact and Removal Permit.

4.2 The requirements of this Bylaw shall not apply to: (a) those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR); (b) Public Shade Trees pursuant to M.G.L. Chapter 87; or (c) emergency projects necessary for public safety, health and welfare, as determined in writing by the Reviewing Agent.

4.3 Neither the Tree Protection & Mitigation requirements of Section 8.41.5.2 of this Bylaw nor the permit application fee referenced in Section 8.41.5.4(a) of this Bylaw shall

apply to either (a) trees severely damaged as the direct result of a natural disaster as determined and confirmed in writing by a Certified Arborist; (b) trees that are hazardous as determined and confirmed in writing by a Certified Arborist; (c) trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist, or (d) at the discretion of the Reviewing Agent, Invasive Species as defined in Section 8.41.2.4 of this Bylaw.

8.41.5. TREE PROTECTION & MITIGATION

5.1 Protection: Each Protected Tree without a Protected Tree Impact and Removal Permit to be retained on property that is within 30 feet of planned demolition activity, excavation activity and/or construction activity that alters the footprint of a structure shall be protected by the establishment of a fenced-off Tree Save Area. The Tree Save Area shall be delineated within the submitted Tree Protection & Mitigation Plan, shall be installed prior to any demolition or site work, and shall remain in place until work is completed on the property, excluding final landscaping. The applicant shall submit written and visual documentation, prepared, dated and signed by a certified arborist, registered land surveyor, or licensed architect, to the Reviewing Agent confirming that the required Tree Save Area has been installed as identified in the Tree Protection & Mitigation Plan before work on the property begins.

5.2 Mitigation: Except as specified in Section 8.41.4 of this Bylaw, in order to offset the significant loss of carbon mitigation resulting from the removal of Protected Tree(s), the removal of a Protected Tree from a lot shall require mitigation based upon the DBH of each Protected Tree removed. Mitigation shall be achieved by satisfying one or a combination of the following provisions:

(a) Replanting of Trees: Each Protected Tree removed shall be replaced by planting new trees according to the following formulas:

- For a Protected Tree of less than 25" DBH, the total DBH of the replacement trees shall, when added together, equal the total DBH of the Protected Tree that has been removed;
- For a Protected Tree of 25" DBH or more, but less than 40" DBH, the total DBH of the replacement trees shall, when added together, equal 1.5 times the total DBH of the Protected Tree that has been removed;
- For a Protected Tree of 40" DBH or more, but less than 55" DBH, the total DBH of the replacement trees shall, when added together, equal 2.0 times the total DBH of the Protected Tree that has been removed;
- For a Protected Tree of 55" DBH or more, the total DBH of the replacement trees shall, when added together, equal 3.0 times the total DBH of the Protected Tree that has been removed.

Each Replacement Tree must have a minimum caliper of at least three (3) inches, and must be planted no later than 180 days following the removal of a Protected Tree or the transfer of ownership of the property, if earlier, either on the applicant's land or on land abutting the applicant's land with the express written approval of the owner of such abutting land. In the event of construction, replanting shall occur prior to the issuance of

a Final Certificate of Occupancy, or be otherwise assured at such time to the satisfaction of the Reviewing Agent in a manner consistent with the Rules and Regulations established under this Bylaw; or

(b) Contribution to the Town of Brookline Tree Preservation Fund: The Commissioner of Public Works shall establish a Tree Fund contribution schedule, subject to approval by the Select Board, assigning a value not less than \$500.00 per inch of DBH of Replacement Tree(s) calculated in accordance with 8.41.5.2(a) that has not been replanted. Such Tree Fund contributions shall be received by the Town prior to the issuance of all applicable permits. The removal or proposed removal of a Protected Tree(s) that has been mitigated for, in conjunction with a previous applicable permit, shall not require any additional mitigation under subsequent permits, unless such mitigation has not been completed or otherwise assured to the satisfaction of the Reviewing Agent.

5.3 Unauthorized Removals: The removal of any Protected Tree without a Protected Tree Impact and Removal Permit shall require mitigation at the rate specified in Section 8.41.5.2. In addition, any person removing or causing to be removed any Protected Tree without a Protected Tree Impact and Removal Permit or not identified on the Tree Protection & Mitigation Plan in violation of this bylaw shall be subject to a non-criminal disposition fine as specified in Article 10.3 of the Town's General Bylaws of \$300 per Protected Tree, per day, until the mitigation required under Section 8.41.5.2 of this Bylaw is complete.

5.4 Permit Issuance:

(a) Permit Application Process: All applications for a Protected Tree Impact and Removal Permit shall be submitted to the Reviewing Agent along with the required application fee.

(b) Notice to Direct Abutters: In the event of the planned removal of a Protected Tree, prior to the submission of an application for a Protected Tree Impact and Removal Permit, the owner of the property shall provide written notice to all direct abutters of the lot on which the planned Protected Tree removal will take place, and as part of the permit application process shall attest that such notice has been provided and provide a list of names and addresses of direct abutters to whom the notice was sent.

(c) Tree Removal: For any planned removal of a Protected Tree, the application for a Protected Tree Impact and Removal Permit must include a list of all trees to be removed that specifies their species and DBH, along with a photograph of each tree and a drawing indicating each tree's approximate location on the applicant's property. The application must also include the applicant's proposed mitigation measures per Section 8.41.5.2 of this Bylaw.

(d) Tree Protection & Mitigation Plan: In the event of planned demolition activity, excavation activity, or construction activity that alters the footprint of a structure on a lot containing Protected Trees within 30 feet of such activity that will not be removed, as part of the application for a Protected Tree Impact and Removal Permit, the owner of the property shall also submit a Tree Protection & Mitigation Plan to the Reviewing Agent. The Tree Protection & Mitigation Plan shall be a to-scale survey or site plan that indicates existing improvements; proposed demolition, excavation or construction activity; Protected Trees within 30 feet of such activity; Tree Save Area; and preservation

and maintenance procedures in accordance with the Rules and Regulations in effect at the time.

(e) Re-Submittal: If demolition, excavation or construction activity has not commenced within twelve (12) months of the date that a Tree Protection & Mitigation Plan was submitted for a property, or if removal of a previously unidentified Protected Tree is necessary during the course of demolition, excavation or construction activity, an amended Tree Impact and Removal Permit application shall be submitted identifying any changes from the previous submission and associated mitigation measures. If demolition, excavation or construction activity is not completed within 12 months of the date of the Reviewing Agent's initial inspection, an application for a permit extension and re-inspection fee shall be submitted. Additional permit extension applications and re-inspection fees shall be submitted every 12 months thereafter until all demolition, excavation and construction work is completed.

(f) Reviewing Agent Action: If the Protect Tree Impact and Removal Permit and Tree Protection & Mitigation Plan (if required) are consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and any applicable Tree Fund contributions have been submitted, the Reviewing Agent shall issue a Protected Tree Impact and Removal Permit and/or notify the appropriate Town Department. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and withhold the Protected Tree Impact and Removal Permit until the requirements of this Bylaw are met. If the Reviewing Agent fails to respond to an application within thirty (30) days after the application has been made, it shall be deemed to be approved.

5.5 Maintenance of Protected and Replacement Trees:

(a) Protected Trees: Each Protected Tree retained shall be maintained in good health for a period of no less than twenty-four (24) months from the date of Final Inspection, or issuance of a Certificate of Occupancy if applicable. Should such a tree die or significantly decline in the opinion of the Reviewing Agent within this twenty-four (24) month period, the owner of the property shall be required to provide mitigation consistent with the requirements for the removal of a Protected Tree as contained herein within nine (9) months from said determination.

(b) Replacement Trees: All Replacement Trees shall be maintained in good health for a period of no less than twenty-four (24) months from the date of planting. Should such tree die or be removed within this twenty-four (24) month period, the owner of the property shall be responsible for replacing the tree with a tree equal to or greater than the size of the original Replacement Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replacement Tree. Tree planting and transplanting shall adhere to the most current American National Standards Institute (ANSI) A300 (Part 6) Tree, Shrub and other Woody Plant Management – Standard Practices (Planting and Transplanting).

8.41.6. ADMINISTRATION

6.1 Enforcement: The Commissioner of Public Works or their designee is hereby authorized to enforce the provisions of this Tree Preservation Bylaw.

6.2 Appeals: Any person who is aggrieved by refusal, order, or decision of the Reviewing Agent or Commissioner of Public Works under this Bylaw may appeal to the Select Board or its designee within 20 days from the date of such refusal, order, or decision.

8.41.7 RULES AND REGULATIONS

The Commissioner of Public Works in consultation with Town Counsel may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Bylaw, and shall file a copy of said Rules and Regulations in the office of the Town Clerk. Such Rules and Regulations may prescribe the Protected Tree Impact and Removal Permit application fee, along with the size, form, contents, style, and number of copies of plans and specifications, the procedure for the submission and approval of such plans, and the procedure for determining final compliance with these regulations. The adoption or amendment of Rules and Regulations shall be after a public hearing to receive comments on the proposed or amended Rules and Regulations. The public hearing shall be advertised once in a newspaper of general local circulation, at least 14 days prior to the date of the public hearing.

8.41.8 RECORDKEEPING

To support the Town's ability to monitor the status of its tree canopy, the Department of Public Works will track and make available to the public the following data on at least an annual basis:

- (a) The number of applications for a Protected Tree Impact & Removal permit received, along with the underlying number of Protected Trees to be removed, their size as measured in DBH, their species and the street address of their location;
- (b) For each Protected Tree removed, the associated mitigation undertaken, if any;
- (c) For each Protected Tree removed and deemed to not require mitigation due to its circumstances, a brief explanation of the tree's condition or status, along with photographic evidence documenting said condition or status; and
- (d) Similar data for all Public Shade Trees (as defined in M.G.L. Chapter 87) removed during the same reporting period.

8.41.9 SEVERABILITY

If any section, paragraph or part of this bylaw is for any reason declared invalid or unconstitutional by any court, every other section, paragraph and part shall continue in full force.

ARTICLE 17

Submitted by: Alec Lebovitz (TMM-8) and Maria Udalova

In 2018, the Town of Brookline passed the H. Res 77 or the Back from the Brink resolution, resolving that "the Town of Brookline, Massachusetts, calls upon our federal leaders and our nation to embrace and sign the Treaty on the Prohibition of Nuclear Weapons and make nuclear disarmament a centerpiece of U.S. national security policy."¹² Beyond passing this resolution, there

¹² See <https://preventnuclearwar.org/resolutions/Brookline.pdf>

are steps that Brookline should take in order to uphold the commitment to a nuclear-free future that the Town believes in.

The Treaty on the Prohibition of Nuclear Weapons (TPNW)¹³, which outlaws the development or possession of nuclear weapons, including all forms of assistance with their development or manufacture, adds to the moral and legal basis for refusing to do business with the companies that profit from these weapons.¹⁴ Until such time as the United States government joins the 97 state signatories of the TPNW of this treaty as of July 2024, local governments should exercise their power to encourage a fundamental change in the federal government's approach to nuclear aims.¹⁵

One of the most powerful ways that a municipality like Brookline can put pressure on the profiteers of nuclear proliferation is by publicly refusing to do business with them. The companies that develop, build, and maintain nuclear weapons also sell other products and services. While few of these are geared to the ordinary consumer, many are sold to cities and towns. These include equipment and software like police radios, library computer systems, construction materials, IT equipment for schools, and safety gear for emergency services.

By deciding not to contract for any of these goods or services from a company that is also involved in the nuclear weapons industry, a municipality can 'vote with their dollars' and send a powerful signal to the entire industry. That message can also reach further to other governments and provide a model policy that will encourage collective action at the state and local level to encourage federal policy change geared towards realizing a world without nuclear weapons.

This article would seek authorization for the Town of Brookline to disqualify the companies that manufacture and maintain nuclear weapons from bidding for Town contracts. If passed into law by the State Legislature, Brookline would be granted the discretionary authority to design and implement a policy to doing just that - considering an entity's direct involvement in the nuclear arms industry as a factor when awarding contracts to bidders, and potentially disqualifying bids on those grounds. This would deviate from the typical state requirements for municipal contracting, which require that local contracts be awarded to "the lowest responsible and responsive bidder" in nearly all cases.¹⁶

There is precedence for this policy. Northampton's City Council passed an identical home rule petition that was approved by the Legislature and signed into law in July 2020. Nationally, several other municipalities have also taken action to disqualify nuclear weapons companies from contract bids, including Oakland, CA, Marin County, CA, and Takoma Park, MD.¹⁷

¹³ See <https://d3n8a8pro7vhrnx.cloudfront.net/tectoclevms/pages/2417/attachrnents/original/1571248124/TPNWEnglish1.pdf?1571248124>

¹⁴ Companies that operate in MA: ECOM, BAE Systems, Jacobs Engineering, Leidos, General Dynamics, Honeywell, Lockheed Martin, Northrop Grumman, Raytheon Technologies, Charles Stark Draper Lab, Serco Group, and Textron

¹⁵ See <https://banrnonitor.org/tpnwstatus#:~:text=As%20of%20.Ju Iv%20the international%20law%,20under%20the%20TPN W>

¹⁶ See M.G.L. Chapter 30B: Uniform Procurement Act
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleIII/Chapter30B>

¹⁷ Oakland, CA: <https://cao-94612.s3.amazonaws.com/documents/Schedule-P-Form-v61523.pdf>
Marin County, CA: <https://www.marincounty.org/depts/cd/divisions/-/media/7f57b1ef4t2f4c21bafcd20c0261375fashx>
Takoma Park, MD: <https://documents.takomaparkmd.2:ov/services/Bids-andContracts/>

The petitioners spoke with the Town's Finance Director to determine what future implementation of a nuclear disqualification policy might look like in the instance that this home rule petition is passed. The Director was not aware of any specific contracts in place with companies active in the nuclear weapons industry and it was not deemed likely that the Town maintains many contacts with these companies currently. As a part of the current contracting process, bidders are required to complete an attestation form that collects relevant information about their bid and company.

The Director suggested that a future nuclear disqualification policy could be implemented by requiring future bidders to declare if they are manufacturers or maintainers of nuclear weapons in the process of submitting a bid and completing their attestation. In order to prevent an onerous administrative burden or disruption of current Town operations, the petitioners believe that such a policy should only be applied to future contacts and not applied retroactively to existing Town contacts.

ARTICLE 18

Submitted by: Joslin Murphy, TMM P16; Cathleen Cavell, TMM, P1; Vena Priestly, TMM P4; Benjamin Fusillo, Resident, P6; John Harris, TMM, P8; Francine Perler, TMM P8; Alisa Plazonja, Resident, P8; Jonathan Golden, TMM P11; Kathy Jantzen, Resident, P11; Len Wholey, TMM P11; David Brick, Resident, P12; Eric McNulty, TMM P12; Carla Benka, TMM P14; Arisa Boit, TMM P15; Richard Murphy, TMM P16; John Shreffler, TMM P17.

The passage of legislation - whether state-wide or local - authorizing the prohibition or restriction of so-called “second generation anticoagulant rodenticides”, commonly referred to as “SGARs”, is necessary for the following reasons:

- Despite the use of rodent poisons for generations, rodents continue to proliferate in communities that support their feeding habits.
- Trash control, rather than poison, is the most effective means of reducing rodent populations.
- Because of its potency, “second generation anticoagulant rodenticide” (SGAR) has caused, and continues to cause, immense, prolonged suffering and death among natural rodent predators such as bald eagles, owls, hawks, coyotes, foxes, and in some cases, domestic pets.
- In May 2023, the Commissioner of Public Works, Director of Public Buildings and Director of Public Health and Human Services adopted a policy prohibiting the use of SGARs on Town property other than in extreme circumstances.
- In order to prohibit or restrict the application of SGARs on private property in Brookline, state-wide or local legislation is necessary.

- Other communities, including Newton, Arlington and Newbury, have filed petitions in the General Court seeking similar special legislation.
- The extreme, unnecessary, and avoidable suffering of non-targeted species must be curtailed by adherence to a community-wide integrated pest management (“IPM”) program that requires public education, enhanced trash management measures and that either prohibits or greatly restricts the use of SGARs.
- If enacted, the petitioned special legislation would permit the Town to determine the extent to which SGARs should be prohibited or restricted in Brookline under a future bylaw approved by Town Meeting.
- [Rodenticides Are Killing Massachusetts Wildlife; Will Authorities Step Up? - Harvard Law School - ALPP](#)
- [Here’s why some want Mass. to end use of the most potent rat poisons - masslive.com](#)



ARTICLE 19

Submitted by: Michael A. Burstein, TMM12 and Scott Gladstone, TMM16

This Resolution would make the federal and state Jewish American Heritage Month observance an official annual event sponsored by the Town.

The importance of such a resolution cannot be overstated. In the past year, there has been a surge of antisemitism across the country and the world. Facilitating a better understanding of and highlighting the positive contributions of the Jewish American community will help all residents of the town to recognize and celebrate their Jewish neighbors as well as all Jewish Americans today and throughout US history. Such better understanding and appreciation is the best vaccine against the scourge of antisemitism.

As reported in the Times of Israel, Brookline is not immune from the national surge of antisemitism (see <https://blogs.timesofisrael.com/navigating-a-post-october-7th-world-as-a-jewish-educator-in-brookline/>)

The AJC State of Antisemitism Report 2023, also speaks to the urgency of this warrant article.

- **63% of American Jews** say the status of Jews in the U.S. is less secure compared to one year ago. In 2022, this number was 41%. In 2021, it was 31%.
- **46% of American Jews** say they altered their behavior out of fear of antisemitism. In 2022, this number was 38% — a significant eight percentage point jump in one year.
- **24% of current or recent college students** say they felt uncomfortable or unsafe at a campus event because they are Jewish.
- **1 in 4 current or recent college students** say they have avoided wearing, carrying, or displaying things that would identify them as Jewish out of fear of antisemitism.
- **More than 1 in 5 American Jews** who experienced antisemitism online (22%) reported that the online incident(s) made them feel physically threatened.
- **62% of American Jews** reported seeing or hearing antisemitism online or on social media in the past 12 months.
- **74% of U.S. adults** say antisemitism is a problem in the United States today, compared to 68% who said so in 2022, and 60% in 2021.
- **56% of U.S. adults** say antisemitism has increased over the past five years, compared to 47% who said the same in 2022, and 44% in 2021.
- **92% of U.S. adults** believe “Antisemitism affects society as a whole; everyone is responsible for combating it.”

Besides educating all people about Jews and Judaism being an effective bulwark against antisemitism, there is also an intrinsic value in celebrating the unique contributions of Jewish residents in Brookline, as part of the mosaic of other faiths, ethnicities and nationalities that make Brookline the vibrant and excellent community, which we all enjoy. We support all efforts to educate about, embrace and celebrate every community within Brookline. The more the better. This proposal is just one piece of that larger effort.

ARTICLE 20

Submitted by: Omar Mabrouk, Emma Nash, Lisa Guisbond, Neveen Taher

None submitted.

ARTICLE 21

Any reports from Town Officers and Committees are included under this article in the Combined Reports. Town Meeting action is not required on any of the reports.