ARTICLE 1
Submitted by: Board of Selectmen

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: Board of Selectmen

This article is inserted in the Warrant for any Town Meeting when budget amendments for the current fiscal year are required. For FY2018, the warrant article is necessary to balance the budget based on higher than projected State Aid, re-allocate funds, and provide borrowing authorization for two Water and Sewer Enterprise Fund capital improvement projects.

ARTICLE 4
Submitted by: Board of Selectmen

This article asks Town Meeting to authorize the Selectmen to acquire 111 Cypress Street, a parcel of land near the High School, by eminent domain and appropriate the funds necessary for the acquisition of the property and attendant expenses. The Town has conducted several studies for High School expansion needs that incorporated the 111 Cypress Street property, including the Brookline School Population and Capacity Exploration (B-SPACE) Committee Final Report (September 2013), Brookline High School One Campus Options Presentation (Symmes Maini & McKee Associates, February 3, 2014), Executive Report Further Study Report, Brookline High School (Symmes Maini & McKee Associates, August 3, 2015), 9th Elementary School Brookline Schools Site Identification Study (CivicMoxie, October 2015), and the Brookline High School Feasibility Study (HMFH, June 2017). At its May, 2017 session, Town Meeting approved the expenditure of $1.85 million for further feasibility and schematic design for an expansion of Brookline High School. Included in the option selected by the BHS Building Committee was the acquisition by the Town of the property at 111 Cypress Street in order to construct a building to meet the educational needs of all 9th graders at BHS. The 9th Grade Academy would include classrooms for all subjects, art and music classrooms, a cafeteria and a library as well as collaborative learning spaces.
Town Meeting voted overwhelmingly to authorize the $1.85 million funding to pursue design of the 9th Grade Academy and this article represents the next step in the process of Town Meeting approval for this concept. The Board of Selectmen has determined that the Town may need to acquire the property by eminent domain. The Town has commissioned a professional appraisal, which will form the basis of the Town’s Pro Tanto payment for the property – the initial payment made to the Owner following any taking by eminent domain. That appraisal, which will detail what the appraiser believes to be the highest and best use of the property, will be completed by November 1, 2017 in time for Town Meeting.

The Board of Selectmen is initiating this eminent domain action now rather than at a Town Meeting closer to the start of construction because we need information about the property to understand fully the funding that will be needed to build a 9th Grade Academy. Since we do not currently own the property, we do not have the right to examine the building and the land for geotechnical and environmental issues. Any budget for the project would need to reflect those kinds of findings. In addition, a tenant (an administrative non-clinical office for Brigham & Women’s Physicians Group) is leasing the property and action now will allow the Town additional time to assist that tenant with the relocation process.

Therefore, we request that Town Meeting authorize the Board of Selectmen to acquire 111 Cypress Street, by eminent domain and appropriate the funds necessary for the acquisition of the property and attendant expenses.

**ARTICLE 5**
Submitted by: Board of Selectmen

This article would authorize funding to advance the design of an additional (9th) elementary school for Brookline. At the May 2017 Annual Town Meeting, Town Meeting authorized a limited amount of funding ($100,000 of the $1,500,000 appropriation) to move forward for additional work on the proposed school at 490 Heath Street- the Baldwin School site. The conditions placed on the remaining appropriation called for an affirmative vote from a subsequent town meeting after the Board of Selectmen, the School Committee and an Ad Hoc Subcommittee of the Advisory Committee receive the opinion of Town Counsel and/or outside counsel hired to review land use limitations and protections on both the Baldwin and Soule parcels. This legal analysis is continuing and will be completed by the November Town Meeting. However, pending review of a determination of the National Park Service pertaining to protection of the Baldwin Playground land parcel, alternative sites for the school may need to be considered. Given the potential need to consider privately owned land in this analysis, the Board of Selectmen and School Committee, joined by the Ad Hoc Subcommittee of the Advisory Committee, will conduct an initial review of such sites in executive session.

Should the Board and the School Committee decide that moving forward with the Baldwin site is not the best option for the Town, this article will allow for a re-appropriation of funds for feasibility and schematics for an alternate site. We expect an accelerated decision process if we need to consider alternate sites.

**ARTICLE 6**
Submitted by: Selectmen’s Committee on Senior Tax Policy, contact Ben Franco


The Senior Real Estate Tax Deferral program allows qualifying seniors to defer the payment of real estate taxes until they move, sell their home or pass away.

This article authorizes the Selectmen to petition the legislature to raise the income limit for eligibility for the program by tying it to the state’s income limit for the senior “circuit breaker” tax credit for married persons filing jointly rather than for single taxpayers, allowing more Brookline seniors to qualify for the program.

Currently, the state’s income limit for the senior “circuit breaker” tax credit for single taxpayers is $57,000; the income limit for married persons filing jointly is currently $86,000. The limits are indexed to inflation, annually.

**ARTICLE 7**
Submitted by: Selectmen’s Committee on Senior Tax Policy, contact Ben Franco

The Senior Real Estate Tax Deferral program allows qualifying seniors to defer the payment of real estate taxes until they move, sell their home or pass away.

This article seeks to change the interest rate charged to participants from the current 5% to a variable rate that, within the limits of state law, will (i) in the near term substantially reduce the interest charged to participating seniors, and (ii) thereafter, vary in a manner that more closely reflect the Town’s borrowing costs.

As of August 19, 2017, the benchmark rate cited in the Warrant Article was approximately 2.2%.

**ARTICLE 8**
Submitted by: Selectmen’s Committee on Senior Tax Policy, contact Ben Franco

By accepting the provisions of Section 3D of Chapter 60 of the Massachusetts General Laws, Brookline would be authorized (subject to approval by the state Commissioner of Revenue) to design and designate a place on its municipal tax bills, or the motor vehicle excise tax bills, or to mail with such tax bills a separate form, whereby taxpayers could voluntarily check off, donate and pledge an amount not less than $1 or such other designated amount which would increase the amount otherwise due, and to establish a fund, for the purpose of defraying the real estate taxes of elderly and disabled persons of low income.

The taxation aid committee would consist of the chairman of the board of assessors, the Town treasurer and three Brookline residents appointed by the board of selectmen. The committee will be charged with adopting rules and regulations to carry out the provisions of Section 3D of Chapter 60 and to identify the recipients of aid.

**ARTICLE 9**
Submitted by: Board of Selectmen

As of the submission of this warrant article, the Town has only two available on-premises liquor licenses and is in receipt of applications for those licenses. State law sets the number of a municipalities’ maximum number of licenses based on the municipality’s population as determined by the census (G.L. c. 138, § 17). The Town is concerned that the unavailability of liquor licenses will negatively impact the economic vibrancy of our commercial areas by
significantly reducing the likelihood of redevelopment of underutilized sites as well as limit the prospects for new businesses to occupy vacant storefronts. This petition is intended to secure additional liquor licenses for the Town in order to assure the availability of licenses for the several parcels of land currently undergoing redevelopment; namely, a parcel in Cleveland Circle, formerly the site of the Circle Cinema; (Map 1); certain parcels on Brookline Place; a parcel formerly the site of a Gulf station and multiple parcels currently occupied by industrial uses in Brookline Village; (Map 2); certain parcels in Coolidge Corner in the vicinity of Waldo Street; (Map 3) a parcel on Beacon Street currently occupied by a Holiday Inn (Map 4); certain parcels in Chestnut Hill in the vicinity of Tully Street (Map 5). In addition, given the impending unavailability of liquor licenses, the petition is intended to request several additional liquor licenses restricted to locations within “Development Opportunity Areas” as shown on the map titled “Development Opportunity Areas (Map 6-A, 6-B, and 6-C)” that the Board of Selectmen could issue based upon its determination of the public need and the common good.

ARTICLE 10
Submitted by: Board of Selectmen

BACKGROUND INFORMATION

The following overview is provided as background information for Warrant Articles 10-15 inclusive. It is possible that continuing conversations amongst the Town, abutters and the owner of Hancock Village as well as the State may result in some modifications to the Master Development Plan and/or associated documents. If any of these changes go beyond the scope of a warrant article, the Board of Selectmen will schedule a Special Town Meeting within the upcoming Town Meeting.

Brief History
Hancock Village, which consists of 530 residential units in Brookline and an additional 261 units in Boston, was constructed during the mid-1940s as reasonably priced rental housing for post-World War II veterans. Relying on the Garden Village model as a prototype, Hancock Village was intentionally designed to separate pedestrian and automobile functions, and to afford residents of the development with visual and physical access to green space. In addition to the internal courtyards and expansive green space throughout the development, a strip of green space was retained along the northern edges of the multi-family development to serve as a buffer for the tenants from the single-family homes abutting the complex.

Hancock Village remains essentially as it was developed seven decades ago—a thoughtfully planned community of two-story townhomes in Brookline and Boston amidst a beautifully landscaped property consisting of undulating hills and puddingstone outcroppings. The so-called buffer area retained its single-family zoning (S-7) while the remainder of the Brookline site was rezoned to accommodate multi-family housing.

In recognition of the historic, architectural and cultural integrity of Hancock Village, the Town of Brookline and the City of Boston determined that the property is eligible for listing in the National Register of Historic Places. The Massachusetts Historical Commission concurred with that determination in 2012.
Chestnut Hill Realty (CHR), which purchased Hancock Village in 1986, has sought on several occasions to develop new residential buildings as well as additional parking for existing units. Each attempt has proven unsuccessful.

In 2011, Town Meeting designated the Brookline section of Hancock Village to be its first Neighborhood Conservation District (NCD), requiring that most changes to the existing buildings and landscaping secure prior approval from the Neighborhood Conservation District Commission.

CHR sought relief from both the Town’s Zoning By-law and NCD regulations by applying for a Comprehensive Permit in 2013. Consistent with Chapter 40B of the Massachusetts General Laws, a Comprehensive Permit allows development that meets State requirements for subsidized housing to essentially override municipal by-laws unless a municipality has met its State-mandated regional share of subsidized housing. The most common method of establishing “regional” share is based on the “Subsidized Housing Inventory” or “SHI”. Unless a community’s SHI constitutes 10% of its total year-round housing stock, its permitting authority (in Brookline, the Zoning Board of Appeals) is extremely constrained in denying a Comprehensive Permit. The Town of Brookline’s SHI is below 10%.

The Zoning Board of Appeals granted a Comprehensive Permit for The Residences of South Brookline (ROSB) consisting of what is referred to as the “Asheville Building” (a multifamily building consisting of 113 units located near the southern end of the property) and 11 additional smaller buildings in the buffer area for a total of 161 units. The Town and a select group of abutters appealed the issuance of the permit by filing suit against the developer, Massachusetts Development Finance Agency (MassDevelopment) - the State agency subsidizing the project, and the Town’s Zoning Board of Appeals.

Subsequently, on April 7, 2017, CHR applied for a second, separate Comprehensive Permit to construct “Puddingstone at Chestnut Hill,” which, as currently proposed, would consist of 226 units of multifamily rental housing on 5.44 acres within Hancock Village near the Brookline-Boston line and across from the 100-acre Town-owned S. Blakely Hoar Sanctuary. The Comprehensive Permit application provides for a six-story apartment building (about 77 feet high) that would feature 186 units and 283 parking spaces within two levels of a partially below grade garage; three new 2.5 story townhouse apartments consisting of 12 units; the renovation of three existing two-story buildings with 12 units; and the addition of 67 additional surface parking spaces.

Facilitated Negotiation
All parties involved recognized that the size and potential impact of the redevelopment of Hancock Village, as well the considerable resources required to address two separate Comprehensive Permit processes, suggested that it was logical to explore the creation of a Master Plan addressing the property owner’s desire to construct new units and parking for the existing units while at the same time addressing municipal and neighborhood needs to the maximum extent possible by avoiding the vicissitudes of 40B. This led the parties to enter into negotiations. The team representing the Town included the Chairman of the Board of Selectmen, the Town Administrator, staff members from of the Building and Planning Departments as well as three representatives of the neighborhood. Representatives of CHR included: the owner, the project manager and associated consultants (housing and landscape architects).

Both the Town and CHR were guided by frequently competing goals, as follows:
The Town’s overriding goals:

- Implement a Master Plan that would represent the complete and final development of Hancock Village – something the Town characterized as “one-and-done.”
- Minimize fiscal impacts of increased development on the Town.
- Protect as much of the green space buffer as possible from development, with a particular focus on increasing setbacks from the backyards of homes on Russett and Beverly Roads.
- Minimize the visual impact of the Asheville Building on the neighboring single-family homes.
- Minimize traffic impacts on abutting residential streets, with an emphasis on the public portion of Asheville Road.
- Increase the Town’s Subsidized Housing Inventory (SHI) to the maximum extent possible.
- At a minimum, meet the numerical requirement for creating subsidized housing, established by the Town’s Inclusionary Zoning By-law.

CHR’s overriding goals:

- Provide opportunities to meet a 0.5 Floor Area Ratio (FAR), established by the Zoning By-law as the maximum as-of-right buildout for the major part of (Brookline) Hancock Village
- Provide additional parking that is appropriately located on the Hancock Village site to address the lack of accessible and convenient parking for existing townhomes.
- Eliminate the Hancock Village Neighborhood Conservation District (NCD).

The promising initial progress in the negotiations led the parties to execute a Memorandum of Agreement (the MOA) outlining a comprehensive solution for Hancock Village. Pursuant to the MOA, the Town and the individual neighbors serving as co-plaintiffs in the appeal agreed to dismiss the appeal in exchange for CHR’s agreement to negotiate a final Master Development Plan; work with the Town to refine it into zoning amendments, associated development and regulatory agreements and a deed restriction; and, if the necessary approvals were obtained at Town Meeting, develop the property accordingly. The plaintiffs then filed a dismissal of the appeal, with the express condition that they would be able to vacate the dismissal if the Master Plan did not receive Town Meeting approval. The initial timeframe had the parties submitting the relevant warrant articles to the 2016 Annual Town Meeting in May, but the complexity of the process and issues required more time than was originally budgeted.

THE HANCOCK VILLAGE MASTER DEVELOPMENT PLAN

The six Warrant Articles presented for approval to Town Meeting are interrelated. Combined, they support the implementation of “The Hancock Village Master Development Plan,” a plan which represents the complete and final redevelopment of the Brookline component of Hancock Village. With a 2/3 favorable vote by Town Meeting, a Hancock Village Overlay District will be imposed on the entire Brookline component of Hancock Village. The District will consist of the Hancock Village Overlay District (HVOD) Project and the remainder of Hancock Village, specifically the existing townhouses and supporting roadway network, parking and green space. Associated components of the Master Development Plan will be codified and enforced by a Master Development Agreement between the Town and the property owner. In order to secure State approval to certify the maximum number of units onto the Town’s SHI, a separate “LAU Development Agreement” for the “Local Action Units” must be executed by the Town and submitted for approval to the state Department of Housing and Community Development for...
inclusion on the Town’s SHI. Finally, the developer has agreed that once the Master Development Plan is fully constructed, he will enter into a deed restriction precluding any future utilization of Chapter 40B or any other statute that would allow development outside what is allowed under the Zoning By-Law.

**Hancock Village Overlay District (HVOD) Project**

The Hancock Village Overlay District (HVOD) Project consists of “development areas,” which include by definition, all new development including new buildings, parking, limited conversions of existing utility/laundry rooms; new roads and parking PLUS “open space areas.” The development areas and the open space areas are identified as such on the Hancock Village Master Development Plan, a site plan which is included and made a part of the Hancock Village Overlay District.

1. **New Buildings**

<table>
<thead>
<tr>
<th>Building</th>
<th>Total Units</th>
<th>1 BR</th>
<th>2 BR</th>
<th>3 BR</th>
<th>Total BRs</th>
<th>Affordable Units</th>
<th>Maximum Height</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asheville</td>
<td>112</td>
<td>84</td>
<td>28</td>
<td>0</td>
<td>140</td>
<td>28 @ 80% AMI</td>
<td>60’</td>
</tr>
<tr>
<td>Gerry*</td>
<td>36</td>
<td>13</td>
<td>11</td>
<td>12</td>
<td>71</td>
<td>9 @ 80% AMI</td>
<td>47’</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18 @ 100% AMI**</td>
<td></td>
</tr>
<tr>
<td>Sherman</td>
<td>234</td>
<td>133</td>
<td>101</td>
<td>0</td>
<td>335</td>
<td>0</td>
<td>69’</td>
</tr>
<tr>
<td>Community Center</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>47’</td>
</tr>
<tr>
<td>Recycling</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>29’</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>382</td>
<td>230</td>
<td>140</td>
<td>12</td>
<td>546</td>
<td>37 @ 80% AMI</td>
<td></td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>18 @ 100% AMI</td>
<td></td>
</tr>
</tbody>
</table>

* Replaces Gerry garage

** Based on the recommendation of the Housing Advisory Board (HAB), CHR may—at its discretion—remove the 100% Area Median Income (AMI) affordability restrictions on 18 one and two-bedroom subsidized units from the Gerry Building in exchange for placing a corresponding 100% AMI affordability restriction on 18 one-bedroom units and 8 two-bedroom units (for a total of 26 units containing 34 bedrooms) in the existing townhouses.

2. **Parking**

- Minimum of 1375 TOTAL spaces and maximum of 1439 TOTAL spaces in Brookline component of Hancock Village (including a maximum of 987 surface spaces), representing an increase of between 652 and 716 from the existing 723 parking spaces in the Brookline component of Hancock Village.
- A mix of surface parking as shown on the Master Development Plan and structured parking beneath the new buildings.

3. **Open space**

- Approximately 3.5 acres of land abutting the single-family neighborhoods along Beverly and Russett Roads will remain undeveloped and be deeded to the Town (including a newly constructed public playground).

4. **Laundry/Utility Room Conversions**
• Conversion of 13 existing utility/laundry rooms (identified by circles on the Master Development Plan) to bedrooms (resulting in the conversion of 13 existing one-bedroom units to 13 two-bedroom units)
• No change or increase in the footprint or height of existing buildings
• Conversions will be allowed by-right with a Building Permit

Remainder of (Brookline) Hancock Village

1. Limited Additions to existing townhouses
• Not to exceed 175 square feet/addition
• May not exceed a combined total of 25,000 additional square feet, which is included in the maximum 0.48 FAR for Hancock Village in Brookline established by the HVOD
• Limited to first story of existing town homes
• No new bedrooms or units
• No additional parking required or allowed
• Planning Board will review application(s) for Additions for consistency with Design Guidelines set forth in HVOD By-law
• May not commence construction on Additions for 10 years from the issuance of the first Building Permit for an HVOD Project building

2. Existing townhouses
• Not part of “HVOD Project,” but would be governed by Overlay By-law and the Master Development Plan once a building permit is issued to any component of the HVOD Project including the construction of new surface parking.
• Footprints may not exceed what’s shown on Master Development Plan
• Heights may not exceed what they are currently
• Set back from boundaries of HVOD as shown on Master Plan
• Total FAR for all buildings (existing buildings + HVOD Project + Additions) capped at 0.48
• Please see “Critical Controls” below.

Critical controls established by Hancock Village Overlay District and associated documents
• Any future development of the Brookline component of Hancock Village shall be restricted to what is delineated on the Master Development Plan, which will be incorporated into the Zoning By-law and made a part thereof, plus a maximum of 25,000 square feet of Additions, subject to specified restrictions.
• Once the Applicant receives a building permit for any component of the HVOD Project, the Applicant may no longer access the underlying zoning then in effect
• The maximum Floor Area Ratio (FAR) for the Brookline component of Hancock Village shall never exceed 0.48. (The denominator in this calculation includes the buffer area that will ultimately be deeded to the Town.)
• The Hancock Village Conformance Review Committee (HVRC), to be created by the Planning Board, will be charged with reviewing all components of HVOD Project to make sure they conform to the Master Development Plan, following technical review by staff of required plans and supporting reports and plans. The HVRC shall apply guidelines established in the HVOD By-law.
• No Building Permit may be issued for the Sherman (a/k/a/ Puddingstone--100% market rate) Building until 148 units are officially on the Town’s Subsidized Housing Inventory (SHI).

Benefits of the Master Development Plan and associated documents
• Caps development of entire HVOD (including Town-owned land) to what is on the Master Development Plan map plus a maximum potential of 25,000 square feet of limited additions after 10 years. (Laundry/utility room conversions are already included in the FAR calculation since they do not represent additional floor-area ratio.)
• Eliminates possibility for residential buildings in the buffer zone.
• CHR gifts approximately 3.5 acres (identified on the Hancock Village Master Development Plan) of the buffer zone to the Town
• Removes proposed Beverly side recycling building from the buffer zone. (Originally included in the MOA)
• CHR pays for the construction of a playground on the Town land closest to the Baker School
• CHR contributes $1 million to the Town for area improvements
• Project generates 148 units on Subsidized Housing Inventory
• Project creates 55 (and possibly 63) affordable units
• CHR provides for roadway Improvements to Independence Drive
• CHR upgrades tennis courts on Baker School property.
• CHR contributes funding towards roadway improvements to Independence Drive
• CHR provides new traffic signalization on Independence at Sherman Road
• Closes access to Hancock Village from Russett Road
• No additional traffic and removal of existing Hancock Village traffic from residential roads (Russett, Beverly and Asheville)
• Asheville building set further back from neighborhood (relative to MOA).

Master Development Plan and supporting documents relative to the Memorandum of Agreement
The Master Development Plan differs in several respects from what is spelled out in the MOA. For the most part, this represents how any broadly-focused document such as the MOA would be refined and finalized. However, some of these differences could be viewed as not in keeping with the initial agreement. Due to a Court-imposed deadline, the MOA had to be drafted and executed quickly and, out of necessity, focused mostly on the parameters that would be imposed on any new construction. Once the subsequent negotiations began, a number of issues had to be revisited and addressed. Most notably, the parties fundamentally disagreed about whether the MOA applied to the entire Brookline portion of Hancock Village and therefore represented the complete and final development of Hancock Village, as the Town argued, or whether the MOA’s restrictions on future development were not intended to apply to modifications to the existing units.

This disagreement presented the parties with a choice: cut-off negotiations or, in the interests of avoiding the 40Bs, mutually agree to modify the Master Development Plan, accepting that this would mean explicitly referencing development not addressed directly by the MOA. Ultimately, the parties chose the latter, and agreed on the following:

• Conversions: As part of the HVOD Project, CHR may convert 13 existing laundry/utility rooms, currently attached to existing townhomes, to bedrooms. No additional square footage or height will be allowed.
• Limited Additions to existing townhomes: Once ten years have passed from the issuance of the first Building Permit for any new building component of the HVOD Project, the owner may, at its discretion, construct a maximum of 25,000 additional square feet of development to serve as additions to the existing townhouses. Each individual addition may not exceed 175 square feet;
none may be more than one story high; none may be used as a bedroom or an additional unit; and all are subject to design guidelines. The townhomes are approximately 20 feet wide so this would allow for an approximate 8 foot “bump-out” per unit.

In exchange, CHR agreed to:
- Increase the number of units eligible for the Subsidized Housing Inventory from 144 to 148
- Increase the number of affordable units from 54 to 55
- Eliminate the Recycling Center that was to be located on the buffer zone west of Independence Drive
- Upgrade the municipal tennis courts on Baker School property

Finally, CHR asked that it be allowed, at its discretion, to eliminate the proposed 100% AMI restriction on the 18 units in the Gerry building and instead supply a corresponding number of 100% AMI-restricted units in previously-existing but renovated townhouses, arguing that this increased diversity in housing stock will provide greater flexibility for marketing efforts. The Housing Advisory Board (HAB) examined CHR’s proposal, and requested that the replacement be made with 26 100% AMI-restricted units (18 one-bedroom units and 8 two-bedroom units) for a total of 34 bedrooms. CHR has agreed to abide by those terms if it opts for such a replacement.

**Master Development Plan relative to the approved Residences of South Brookline Comprehensive Permit and the pending Puddingstone Comprehensive Permit, a/k/a/ “the 40Bs.”**

The following provides some data comparing and contrasting the Master Development Plan with the approved Comprehensive Plan for the Residences of South Brookline (ROSB) and the pending Comprehensive Permit application for Puddingstone at Chestnut Hill (Puddingstone):

<table>
<thead>
<tr>
<th></th>
<th>Combined 40Bs (approved ROSB and pending Puddingstone)</th>
<th>Master Development Plan</th>
<th>Difference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Apartment units</td>
<td>387</td>
<td>368 (net)</td>
<td>-19</td>
</tr>
<tr>
<td>Apartment buildings</td>
<td>18</td>
<td>3</td>
<td>-15</td>
</tr>
<tr>
<td>Apartment buildings in the S-7</td>
<td>11</td>
<td>0</td>
<td>-11</td>
</tr>
<tr>
<td>Total bedrooms</td>
<td>763</td>
<td>524 (net)</td>
<td>-239</td>
</tr>
<tr>
<td>Number of affordable units at 50% AMI</td>
<td>77</td>
<td>0</td>
<td>-77</td>
</tr>
<tr>
<td>Number of affordable units at 80% AMI</td>
<td>0</td>
<td>37</td>
<td>+37</td>
</tr>
<tr>
<td>Number of affordable units at 100% AMI</td>
<td>0</td>
<td>18</td>
<td>+18</td>
</tr>
<tr>
<td>Total rent-restricted units</td>
<td>77</td>
<td>55</td>
<td>-22</td>
</tr>
<tr>
<td>Number of units eligible for the SHI</td>
<td>387</td>
<td>148</td>
<td>-243</td>
</tr>
</tbody>
</table>

Further, the Master Development Plan
- Caps development of Hancock Village at a 0.48 Floor Area Ratio. In contrast, as-of-right development in the S-7 district is limited to 7,000 square foot single-family parcels, and the
M 0.5 District is limited to 0.5 FAR. Assuming it remains in place, the NCD could, theoretically, operate to further constrain future buildout, although the NCDC has not yet had to take up such a request.

- Protects 3.5 acres of the buffer zone from development and conveys the property to the Town
- Provides that CHR:
  - Pay for the construction of a playground on the Town land closest to the Baker School
  - Contribute $1 million to the Town for area improvements
  - Upgrade the public tennis courts at the Baker School.
- Closes access to and egress from Hancock Village via Russett Road, resulting in the diversion of any additional traffic and removal of existing Hancock Village traffic from public roads (Russett, Beverly and Asheville)
- Partially relocates the Asheville Building, by setting it back farther back from the abutting residential neighborhood.

A site plan of the composite 40Bs is attached.

**Current Status of the Chapter 40B Projects**

**Residences of South Brookline (ROSB):** The Comprehensive Permit for the 161-unit Residences of South Brookline remains valid. The proposed HVOD development and the Comprehensive Permit share certain similarities, but CHR’s development of the HVOD Project does not represent an exercise of its Comprehensive Permit. Pursuant to the terms of the MOA, CHR will relinquish its ROSB Comprehensive Permit upon receipt of a building permit for the final HVOD Project building. If Town Meeting does not adopt the HVOD warrant articles, CHR could proceed with construction pursuant to the Comprehensive Permit. If one or more of the plaintiffs in the appeal of the Comprehensive Permit elect to vacate the appeal’s dismissal, CHR could still proceed, but it would do so at-risk.
(A larger map will be mailed to Town Meeting Members. A copy of the map will also be available in the Selectmen’s Office.)
Puddingstone at South Brookline: Unless Town Meeting approves the warrant articles at Fall Town Meeting, as identified below; CHR may reinstitute its pending application for a Comprehensive Permit. It is likely that the ZBA would request, and that CHR would grant, an extension of the state-imposed deadline to provide time for the ZBA to conduct an adequate review.

The Hancock Village Neighborhood Conservation District
As noted above, one of CHR’s overriding goals in entering the Master Development Plan negotiations was the elimination of the Hancock Village NCD. The MOA expressly excludes development within the HVOD Project area from the purview of the NCD and further requires that the parties identify mutually agreeable mechanisms to modify the NCD to apply to development beyond the HVOD Project. The parties did in fact explore approaches to amending the by-law, but ultimately agreed to restrict future development by applying very strict guidelines including, but not limited to, a maximum FAR (below what is currently allowed by the existing zoning), a cap on the square footage allowed for future developments and oversight by the Planning Board.

So, in exchange for CHR agreeing to limit any future development only to what is explicitly provided for in the HVOD Zoning By-Law, the Town agreed to support a warrant article eliminating the NCD. The Town believes that the Master Development Plan will meet the NCD’s goals of channeling and, where necessary restricting, future development to conform to certain overarching goals benefiting both the neighborhood and the historic features of the property, particularly given that the alternative is what is proposed in the two Chapter 40B projects alongside a potential legal challenge by the property owner to the validity of the NCD.

Required actions
In order to effectuate this plan, Town Meeting approval of the following warrant articles, expanded upon below, is required:

1. Amend the Zoning By-law to create a Hancock Village Overlay District (HVOD) and to approve the Hancock Village Master Development Plan
2. Authorize the Board of Selectmen to execute a Master Development Agreement
3. Authorize the Board of Selectmen to negotiate and execute a Local Action Unit (LAU) Development Agreement
4. Authorize the Board of Selectmen to accept and enforce a deed restriction on Hancock Village
5. Authorize the Board of Selectmen to accept a gift of land, identified as “Open Space Areas” on the Master Development Plan
6. Repeal the Hancock Village Neighborhood Conservation District

EXPLANATION SPECIFIC TO THIS ARTICLE
The Board of Selectmen is proposing the creation of a zoning overlay district on Hancock Village in order to allow the construction of three residential rental buildings providing for a total of 382 residential units, structured and surface parking, roadway improvements and modifications, a Community Center Building and a Recycling Building; the conversion of 13 utility/laundry rooms to bedrooms; and the potential construction of a maximum of 25,000 square feet of additions to existing town houses in not less than 10 years from the issuance of the first building permit for a
At least 55 affordable units will be provided for households with incomes ranging from 80% to 100% of Area Median Income (AMI) and 148 units will be eligible for inclusion on the Town’s Subsidized Housing Inventory (SHI), subject to State approval. The Hancock Village Overlay District (HVOD) establishes a maximum FAR on the property and prohibits the property owner from accessing the underlying zoning once a building permit is issued for a new building or parking. The Master Development Plan together with the HVOD of which it will be a part, will establish the final and complete build-out of the Brookline component of Hancock Village.

Therefore, we request that Town Meeting approve by a 2/3 vote the Hancock Village Overlay District.

**ARTICLE 11**
**Submitted by: Board of Selectmen**

The Board of Selectmen is seeking authorization to enter into a Master Development Agreement with Chestnut Hill Realty that details the obligations and restrictions imposed upon the parties. These obligations and restrictions imposed upon the property owner include but are not limited to:

- Establishing the unit mix of the 382 units
- Basing the issuance of a Building Permit for the Sherman Building (a/k/a the Puddingstone Building) in part on State-certification of 148 units on the Town’s Subsidized Housing Inventory.
- Imposing a series of restrictions on the construction of additions including: prohibiting additions prior to 10 years from the issuance of the first Building Permit for a building in the Hancock Village Overlay District, limiting each addition to a maximum of 175 square feet not to exceed one story, and requiring review by the Planning Board.
- Imposing a maximum buildout based on a 0.48 Floor Area Ratio
- Requiring traffic improvements and mitigation to be provided by the property owner. The owner will be responsible for providing prescribed Roadway Improvements to Independence Drive plus a traffic signal at the intersection of Sherman and Thornton Roads and Independence Drive.
- Constructing a public playground on Town property near Baker School that previously constituted part of the buffer area.
- Conveying title to the Town of approximately 155,116 square feet, identified as “Open Space Areas” on the Hancock Village Master Development Plan.
- Maintaining and landscaping the public park for a period of 30 years
- Imposing strict requirements during construction

It is the intention of the Board to have the Master Development Agreement executed far enough in advance of Town Meeting so as to allow Town Meeting Members to review its terms prior to voting on the series of Hancock Village warrant articles. Copies of the Master Development Agreement, once executed, will be available at the Selectmen’s Office. Therefore, we request that Town Meeting vote to authorize the Board of Selectmen to enter into the Master Development Agreement.
ARTICLE 12
Submitted by: Board of Selectmen

The Board of Selectmen is seeking authorization to negotiate and subsequently enter into a Local Action Unit (LAU) Development Agreement with Chestnut Hill Realty. A duly executed LAU is necessary to secure State-certification of 148 units to be placed on the Town’s Subsidized Housing Inventory (SHI). The LAU Development Agreement establishes the requirements for number, income levels and basic location of subsidized units. The LAU Development Agreement requires that the parties enter into a Regulatory Agreement, consistent with DHCD standard procedures, to insure that the subsidized units will be available for income-eligible tenants in perpetuity. The LAU Development Agreement relates exclusively to affordable units available for households earning not more than 80% of the Area Median Income (AMI) with 80%. Units dedicated to households with not more than 100% AMI are addressed by the Master Development Agreement.

The Town and CHR have entered into conversations with DHCD relative to the LAU both directly and with the help of housing consultants. These conversations will continue with the ultimate goal of securing State-certification of 148 units to be placed on the Town’s SHI.

It is the intention of the Board to have the LAU Development Agreement executed far enough in advance of Town Meeting so as to allow Town Meeting Members to review its terms prior to voting on the series of Hancock Village warrant articles. Copies of the LAU Development Agreement, once executed will be available at the Selectmen’s Office. Therefore, we request that Town Meeting vote to authorize the Board of Selectmen to enter into the Local Action Unit Development Agreement.

ARTICLE 13
Submitted by: Board of Selectmen

Town Meeting approval is required to authorize Board of Selectmen to enforce a deed restriction that will prevent current and future owners of Hancock Village to take advantage of Chapter 40B or any other Massachusetts General Law that allows a property owner to override municipal by-laws to develop property in order to meet a State objective. The deed restriction reinforces the “one-and-done” principle that has been and continues to be a critically important objective of the Town.

ARTICLE 14
Submitted by: Board of Selectmen

Town Meeting approval is required for the Town to accept a gift of approximately 3.5 acres of the greenspace or so-called “buffer area” (zoned S-7) from the owner of Hancock Village. The Master Development Agreement provides for conveyance of said property within 30 days of issuance of the final Certificate of Occupancy for the HVOD Project.

Therefore, we request that Town Meeting vote to authorize the Board of Selectmen to accept approximately 3.5 acres of greenspace, identified on the Hancock Village Master Development Plan as “Open Space Areas 155,116 SF” from the owner of Hancock Village.
ARTICLE 15  
Submitted by: Board of Selectmen

The Hancock Village Master Development Plan, incorporated into the Hancock Village Overlay District By-law, will establish and define the redevelopment plan for all of Hancock Village. All development within the Development Areas as well as the conversions, both of which are identified on the Hancock Village Master Development Plan, will be subject to review by appropriate Town staff as well as the Hancock Village Conformance Review Committee (HVCRC) consistent with specified guidelines. All contemplated Additions are subject to specific size and aggregate amount limitations in the HVOD By-Law, and will also be individually reviewed by the Planning Board for conformance with design guidelines established in the by-law. Future construction of buildings, accessory structures, roadways or parking areas in all of Hancock Village must conform to the Master Development Plan.

The Town believes that the Hancock Village Master Plan represents significant progress towards the objectives related to planning, conservation, historic preservation, open space and impact mitigation that motivated the imposition of the Neighborhood Conservation District. The need to maintain the oversight authority of the NCDC for Hancock Village is sufficiently reduced to allow for the removal of the Hancock Village NCD.

All other provisions of Section 5.10 relative to Neighborhood Conservation Districts of the General By-laws shall remain in full force and effect.

Therefore, we request that Town Meeting vote to repeal Section 5.10.3(d)(1) of the General By-laws relating to the creation of the Hancock Village Neighborhood Conservation District.

ARTICLE 16  
Submitted by: Neil Gordon, TMM1

Pursuant to Article 3.21 of the Town By-laws (adopted in 2007 after a Brookline PAX initiative), meeting notices and agendas are required to be posted electronically on the Town website, and disseminated electronically to all who ask. That has, after an adjustment period and with some "Town Hall" leadership and effort, been a great success.

This Warrant Article addresses a gap in providing information to the public, and proposes that relevant information that is being or has been provided to boards, committees and commissions be posted electronically on the Town website, as well. After several requests from the floor of Town Meeting and otherwise, some bodies (and especially the Board of Selectmen) have made a welcome effort, but many have not (in part due to a lack of relatively straightforward infrastructure). Having more information available to the public on a timely basis will encourage public discourse and debate, at hearings and otherwise.

We note from the 2007 by-law Warrant Article’s Combined Report by the Board of Selectmen, “As stated in the ‘Purpose and Applicability’ section, the purpose of the proposed by-law is to ‘take advantage of the internet’, ‘better implement the spirit of the OML,’ and ‘improve opportunities for broader and more meaningful participation in the business of Town
governmental bodies’. No one can argue with those admirable goals. All governmental units at all levels should strive to improve openness and transparency.” The Advisory Committee, in recommending favorable action by a vote of 17-3 added: “…a reasonable and timely attempt to further the important public goal of greater citizen participation in Brookline’s town government.” (emphases added)

ARTICLE 17
Submitted by: Richard Murphy

In response to broad citizen concern over the loss of large heirloom trees and other significant tree cover on properties that are clear-cut prior to development, a proposed Tree Protection By-law was submitted to Town Meeting as Article 11 in the Warrant for the May 24, 2016 Annual Town Meeting. Town Meeting voted to refer the Article to a Selectmen’s Committee to “evaluate the best way to provide tree protection in the Town” and report back to the 2017 Annual Town Meeting. The Committee provided an update, but after having several meetings which included reviewing the practices of various Massachusetts communities that have adopted Tree Preservation measures, the Committee has not made a recommendation. This Article is based on a recent comprehensive study of tree preservation measures that was conducted by the Town of Concord and is filed now to avoid the further destruction of significant trees in Brookline. It requires residential property owners to protect trees within a defined setback area of a lot during significant demolition and/or construction activity. If trees are removed from the setback area, the bylaw requires property owners to either plant replacement trees or pay fees to a Town Tree Fund for planting elsewhere in town. It is intended to encourage the preservation and maintenance of trees, similar to ordinances and by-laws adopted by several other communities.

ARTICLE 18
Submitted by: Michael A. Burstein, TMM12

The article would change Brookline from having a Board of Selectmen to having a Board of Selectwomen. Men and other registered voters in town whose sex, gender, or gender expression would not normally be defined as female would still be allowed to run for and hold the office of Selectwoman, as they are now. Just as women on the Board of Selectmen now can refer to themselves unofficially as Selectwomen, men on the Board of Selectwomen would be allowed unofficially to refer to themselves as Selectmen.

ARTICLE 19
Submitted by: Alex Coleman

(a) The Town By-Laws will be changed relative to the executive board of the Town and its members. The name of the executive board currently called the “board of selectmen” will be stricken and replaced by “select board” and the terms currently used to refer to its members “selectman, selectmen, selectwoman, and selectwomen” will be stricken and replace by “select board member(s)” or “member(s) of the select board” in all places they appear in the Town By-laws and in all current active and future Town documents and communications.
The Town By-laws will require the use of gender-neutral language in all currently active and further Town documents and communications.

Petitioner’s Description of Article’s Purposes and Intent

This Warrant Article is intended to further implement and model the Town’s commitment to inclusion and diversity particularly with respect to Brookline Protected Classes by using gender-neutral language. There is ever growing awareness that language really does make a difference when it comes to inclusion, appreciation for the benefits of diversity, and sending a message of welcome to all members of the Brookline community, particularly those in protected classes. The Office of and Commission for Diversity, Inclusion, and Community Relations has increasingly adopted the practice of using gender-neutral language. Sex, gender, gender identity, and gender expression are not binary. There are language conventions that we have used that are now outdated and counterproductive. This warrant article is intended to reflect our current awareness of the importance of language and the nature and value of inclusivity that gender-neutral language helps promote.

This Article would add Brookline to the ever growing number of towns that have changed the name of the Town’s executive board from “Board of Selectmen” to “Select Board.” In Chapter 87 of the Acts of 2015 the Legislature approved similar changes to the Charter of the City of Newton, striking “board of aldermen” and replacing with “city council”; striking “alderman” and replacing with “councilor”; and striking “committeeman” and replacing with “committee member.” Many other Towns have made the change as well, including Amherst almost 20 years ago.

There is nothing to legally preclude the actions proposed by this warrant article under the laws of the Commonwealth and I have been so advised by a variety of Commonwealth officials, including among others, Assistant Attorney General Kelli Gunagan, the Secretary of State’s Office attorney and its Elections Division. Furthermore, the Massachusetts General Court in its most recent Legislative Research and Drafting Manual, 5th edition, 2010 in Part 3 “Grammatical Issues” devotes section 2 to “Gender Neutral Drafting” in which it encourages the use of gender neutral language and offers some (now dated) guidance. There are resources within the Town and the Commonwealth that can provide guidance with respect to the use of gender-neutral language.

ARTICLE 20
Submitted by: Patricia Connors, TMM3, Cornelia van der Ziel, TMM15, Raquel Halsey, Vishni Samaraweera

As we write this, there is increasing awareness about the pain and damage caused by symbols such as confederate flags and statues, attention should also be paid to the longstanding request of many Native people to abolish the Columbus Day holiday, which to them is a celebration of the deaths of millions of their people, and instead declare Indigenous Peoples Day on the second Monday in October in order to bring more awareness to the history and continued presence of Native people here in the US.

The “Whereas clauses” provide an explanation of this warrant article. Here is some additional relevant information:
More details about Columbus

In this Resolution, we did not set forth some of the more gruesome actions of Columbus and his men, including:

-Widespread rape and enslavement of Indigenous women and girls. In addition to putting the Natives to work as slaves in his gold mines, Columbus also sold sex slaves as young as 9 to his men. Columbus and his men also raided villages for sex and sport.

-In the year 1500, Columbus wrote: “A hundred castellanoes are as easily obtained for a woman as for a farm, and it is very general and there are plenty of dealers who go about looking for girls; those from nine to ten are now in demand.”

-Several accounts of cruelty and murder include Spaniards testing the sharpness of blades on Native people by cutting them in half, beheading them in contests and throwing Natives into vats of boiling soap. There are also accounts of suckling infants being lifted from their mother’s breasts by Spaniards, only to be dashed headfirst into large rocks. -Bartolome De Las Casas, a former slave owner who became Bishop of Chiapas and repented his previous actions, described these exploits. “Such inhumanities and barbarisms were committed in my sight as no age can parallel,” he wrote. “My eyes have seen these acts so foreign to human nature that now I tremble as I write.”

-Columbus forced the Native Arawak or Taíno people to work in gold mines until exhaustion. Those who opposed were beheaded or had their ears cut off.

-In the province of Cibao all persons over 14 had to supply at least a thimble of gold dust every three months and were given copper necklaces as proof of their compliance. Those who did not fulfill their obligation had their hands cut off, which were tied around their necks while they bled to death—some 10,000 died handless.

-The Spanish used dogs against the Indigenous people. These dogs wore armor and had been fed human flesh. Live babies were also fed to these war dogs as sport, sometimes in front of horrified parents. There was also a practice known as the montería infernal, the infernal chase, or manhunt, in which Indians were hunted by war-dogs.

(The above points are direct quotations from https://indiancountrymedianetwork.com/history/events/8-myths-and-atrocities-aboutchristopher-columbus-and-columbus-day/)

Some Brookline area history

-The first mention of “Muddy River” acknowledges an Indian presence with an estimated population of 50,000 in the area from the mouth of the Merrimac River to Cape Ann of in 1632. (History of Brookline, Massachusetts, Bradford Kingman, 1892)

-Brookline historical accounts by non-Native people refer to a Native defensive fortification near what is now known as Beacon and Powell Streets. (Brookline, a Favored Town, Charles Knowles Bolton, 1897) Other accounts refer to signs of an Indigenous village that was located in the area where the Ackers family subsequently established a farm, near the present-day Brookline Reservoir, by Boylston and Eliot Streets. (A History of Brookline, Massachusetts from the First
Settlement at Muddy River Until the Present Time, John William Denehy, 1906 and History of the Town of Brookline, John Gould Curtis, 1933, prepared under the direction of the Brookline Historical Society)

-Brookline residents Joseph Smith and Lancelot Talbot are known to have purchased 7 Native Americans from the colonial government in 1675 to be sold as slaves in the Caribbean (www.hiddenbrookline.org)

Contemporary statistics
-Indigenous peoples of North America comprise approximately 2% of the U.S. population, with many more Indigenous people living here who are labeled as “Hispanic” or “Latinx” and whose ancestors are from Mexico, El Salvador, Ecuador and other countries. The Native American population of Massachusetts is 1% or less, but represents many different Native Nations and cultures. There are more than 500 federally recognized tribal nations in the U.S.

-Suicide is the second leading cause of death for Native youth aged 10-24. (www.cdc.gov/nchs/data/)

-Native Americans have the lowest high school graduation rates in the country. (https://nces.ed.gov/pubs2016/2016007.pdf)

-One in three Native American females have been sexually assaulted, and many Indigenous people believe this number is much higher. This compares with one in six of the total female population of the U.S. having been the victim of attempted or completed rape. (www.rain.org).

-Nearly 30 percent of Native Americans and Alaska Natives lived in poverty in 2014 – approximately double the nation's overall poverty rate. And about 7.5 percent of Native American and Alaska Native homes did not have safe drinking water or basic sanitation as of 2013, according to the government's Indian Health Service. More than 10,000 people on the Navajo reservation alone – the largest in the US – lack safe drinking water. (https://www.usnews.com/news/articles/2016-06-16/some-native-americans-lack-access-to-safe-clean-water-Native men, women and children occupy the most severely overcrowded and rundown homes in the United States). (https://www.theguardian.com/commentisfree/2017/apr/06/americasforgotten-crisis-50-percent-native-american-tribe-homeless)

-U.S. popular culture and school curricula do not accurately depict the history or ongoing existence of Indigenous peoples. Indigenous people speak routinely of being stereotyped and dealing with misunderstandings or lack of knowledge about their culture and history. Stereotypes do harm. (“All the Real Indians Died Off” and 20 other Myths About Native Americans, Roxanne Dunbar-Ortiz and Dina Gilio-Whitaker, 2016).

ARTICLE 21
Submitted by: Rob Daves, TMM5, Tommy Vitolo, TMM6

On the day of President Barack Obama’s second inauguration, the President, Michelle Obama, and a group of prominent politicians stopped in front of the Bust of Martin Luther King, Jr. that stands
under the dome of the U.S. Capitol Building. They admired the bronze sculpture and paid respect to the great civil rights leader. The bust is by John Wilson, the artist chosen from among 180 sculptors who entered the competition for the commission.

John Wilson is a nationally celebrated artist. His work is included in many major museums around the country; it has been widely exhibited and is avidly sought after by collectors. Ironically, he is less well known in his own hometown of Brookline where he lived and worked for 50 years.

John W. Wilson was born in Roxbury, MA in 1922 and died in Brookline in 2015. In a time when few thought it was possible for an African American to have a career as a professional artist, he persevered to interpret the world from his perspective, producing work that confronts injustice and is charged with emotion. And as he grew older, his art depicted moments of deep human connection, causing viewers to reflect on how we interact with each other. His drawings and sculpture of his children, his wife, and his neighbors capture a most moving portrait of a Brookline family.

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John W. Wilson and his four siblings were born in Roxbury to parents who had recently emigrated from British Guiana (now Guyana). Racism prevented his father from gaining employment commensurate with his abilities, which caused him to turn to the beliefs of black nationalist Marcus Garvey. John, too, experienced disillusionment when, despite his superior talents, he failed to win a scholarship to Saturday classes at the School of the Museum of Fine Arts. But his parents encouraged their son to pursue a career in art, even though it was commonly thought that a black person could never become a professional artist. With the assistance of white instructors at the Roxbury Boys Club, John was eventually able to enter the Museum School, graduating with highest honors in 1945. He also pursued a B.A. degree in education at Tufts.

At the Museum School, with the encouragement of avant-garde German artist Karl Zerbe who had fled the Nazis, he developed his skill as a draftsman and heightened his sensibilities about social injustice. He was strongly interested in the paintings he saw at the MFA, but was acutely aware of the complete absence of black figures. It was during this time that he became interested in the
socially conscious themes of painters Thomas Hart Benton and George Grosz, but was especially moved by Richard Wright’s novel *Native Son*. Wilson recalled, “What Richard Wright was doing was forcing you to get into the psyche of black people so that you would relive it… I wanted to create images that would be as powerful.”

After graduating from Tufts in 1947, Wilson won a fellowship and hoped to travel to Mexico to learn to paint murals. The grant however could only be used for travel to Europe and he ended up in the studio of Cubist Fernand Léger. There he learned “the language of vision… using colors, shapes lines and volume to create a new insightful interpretation of the world,”-- concentrating on the formal elements of composition to make a unified whole.

After two years in Paris, Wilson visited New York City where he met and married Julie Kowitch, a teacher. He soon received another grant that allowed Julie and him to go to Mexico, as he had long been fascinated by the work of muralists such as Jose Clemente Orozco and Diego Rivera whose “public art functioned to engage people and was not stuck in a museum.”

In Mexico Wilson created one of his most powerful works, *The Incident*, which combines the muralist’s ability to engage viewers and Richard Wright’s empathic representation of the view of a black person in society. It depicts a black family witnessing a lynching just outside their window. The mother shields her baby from the horrific sight and the father, despite holding a rifle, was not able to prevent the tragedy.

What is most important is the way the mural demands that the viewers witness the crime. It was an unusually violent theme for Wilson but he described the work as being able to exorcise the psychological impact that images of lynchings, which were widely distributed in the media at that time, had on him. “Even though I have lived a relatively benign life and have never experienced physical violence, and I am relatively easy going, nevertheless there has always been this subterranean conflict, this sense of apprehension and vulnerability that my life was as only as good as luck. When I was growing up, I didn’t realize to what extent I was being traumatized.”

The Wilsons loved life in Mexico, with its lack of discrimination against blacks and easy acceptance of their mixed race marriage. But after the birth of their first child they wanted to return to the United States where the civil rights movement was beginning to grow. They went to Chicago, New York, and in 1964 came to Boston. John joined the faculty of Boston University and served as Professor of Art from 1964 to 1986.

John and Julie bought a house on Harris Street, where his wife and daughter continue to reside, but had to purchase it surreptitiously with the help of a friend since the owners weren’t willing to sell to an interracial couple.

While living in Brookline, Wilson’s art began to evolve toward portraiture. “I want my work to be visually naturalistic, but to convey the feel of the person. The eternal energy and emotion shapes the outer form.” His art delved into the deep human connections, not only with portraits of the members of his family but also with anonymous, universal figures.

Wilson’s art had always exhibited a sculptural quality but he had never received formal training in sculpture or bronze casting. Inspired by the power of the Buddha sculptures he saw as a student in the Museum School, as well as by the giant Mesoamerican Olmec stone heads unearthed in south-central Mexico, Wilson was determined to create a colossal head for a public space. He
envisioned a large, bronze head that was not only confrontational in its enormous size, but also universal in its presentation. As Barry Gaither, Director of the Museum of the National Center for Afro-American Artists, wrote, Wilson’s desire to create monumental heads can also be found in “his response to Ralph Ellison’s 1947 *Invisible Man* which echoed his own sense of the invisibility of African-Americans in American culture.” Long before receiving commissions for monumental sculptures, Wilson began to work out his ideas in charcoal drawings and clay models.

His dream was fulfilled by two major commissions. The first was the 7-foot *Eternal Presence* (photo below left) that stands today in front of the National Center for Afro-American Artists in Roxbury, a museum he helped found. The second was the 8-foot bronze head of *Martin Luther King, Jr.* (photo below right) erected in the Martin Luther King Jr. Park in Buffalo, New York.

The terms of the Buffalo competition prescribed a full length figure. According to Wilson, “I really didn't want to do it, because I didn't want to do a kind of academic figure. There are thousands of these statues of important men in their conventional clothes standing in public places. Nobody sees them except the pigeons… They become part of the wallpaper of the environment.” Wilson complained to a friend who then suggested that he make one of his “big symbolic heads.” For Wilson, “a light bulb went off, and I said ‘I don't care what they want’ and I sat down and did some drawings and did a maquette [a study model] of a head…. and sold them on this idea.” Today, Wilson’s 8-foot bronze head of Martin Luther King, Jr. stands majestically on top of a 6-foot stone wall, designed by the artist.

**The Committee to Commemorate John Wilson**

This spring, after learning that a 30 inch bronze study for the giant MLK head was available at a local gallery, a group of Brookline residents representing diverse backgrounds came together and decided to raise the funds to purchase it and offer it as a gift to the Town. The sculpture, intended to honor John Wilson, is also intended, as we enter Town Hall, to represent and remind us of the values and aspirations of our community. We think it is fitting that John Wilson’s art, which graces our nation’s Capitol Rotunda, should also inspire those entering our local seat of government, just blocks from where he spent most of his life.
Our committee believes that when we see the world through the eyes of our neighbor, we can truly understand and respect each other. Over the next few months we want to encourage our community to commemorate John Wilson by sharing the inspiring story of this exceptional man and his art. His understanding of social justice issues and the creative expressions of his experience raising a family in Brookline are enlightening.

John Wilson’s magnificent bronze head, mounted on a white 50-inch pedestal, will welcome visitors to our Town Hall and give each one of us the emotional experience of getting close to and looking into the eyes of Dr. King.

_Sculpture has the longest memory of all the arts. It is the reason we find sculptures in civic spaces, reminding us of what matters most. John Wilson was a longtime resident of Brookline and an African American artist with a national reputation. His bronze sculptures of Martin Luther King, Jr. are among the finest ever done of this great world figure. We want to give one of them a central place of honor in Brookline. Two stories coalesce: a local artist of great humility and epic perseverance and the courageous vision of Dr. King. The work is cast in bronze and it is one for the ages._

Committee to Commemorate John Wilson Project Statement

Committee to Commemorate John Wilson
Members—Affiliations or Experience

Jenny Amory, Brookline Community Foundation
Lucy Aptekar, Board of Advisors, Tufts School of the MFA
Barbara Brown, Hidden Brookline, BU
Malcolm Cawthorne, Brookline High School, Hidden Brookline
Rob Daves, TMM, Hidden Brookline, MLK Committee
Murray Dewart, TMM, Sculptor
Mary Dewart, TMM
Amy Emmert, Brookline Commission for the Arts
Sarah Fujiwara, Brookline Arts Center
Lloyd Gellineau, Brookline Office of Diversity, Inclusion and Community Relations
Lynette Glover, Business Community
Michael Glover, Brookline School Committee
Mark Gray, TMM
Bernard Greene, Selectman
Skip Griffin, Business Community
Chobee Hoy, Business Community
Jeff Mello, St. Paul’s Church
Bernard Pendleton, artist and teacher
Lauren Rivello, Brookline Arts Center
Charles Terrell, TMM
Carol Troyen Lohe, Library Trustee; Curator Emeritus, MFA
Anne Turner, Brookline Community Foundation Friends Group
Thomas Vitolo, TMM

Advisors to Committee
Julie Wilson, wife of John Wilson
John Wilson said, “I am a black artist. I’m a black person,” “…My experience as a black person has given me a special way of looking at the world and a special identity with others who experience injustice. What I am doing to some extent in my art is exorcising some of these conflicting kinds of messages that this racist world has given me. …[I chose] some of the themes I have dealt with not because I sat down and said I wanted to make a political statement, but because of emotional experiences. I grew up in a world that said I could be killed if I stepped out of line. … There is a core of anger and frustration I have to vent.”

Sources

*John Wilson: A Retrospective* 2004 Grinnell College, Essays:
  *John Wilson: Art and Life* by Pamela Franks
  *John Wilson: Faces of the Soul: An Interview with the Artist* by Saadi A. Simawe
  *John Wilson: Black Artist* by Dave Williams

These issues are complex, timely, indeed urgent. The legislative session ending in July 2018 might be the last CJ reforms for a while. For questions please email the other PAX co-chair, Marty Rosenthal [martyros@world.std.com] For a few Whereas clauses, some background:

1. 1990 Wm. Weld, campaign promise “to reintroduce inmates to the joys of busting rocks.”
2. SJC CJ Gants to Judiciary Committee 6/9/15;  
   [Link](https://www.prisonpolicy.org/global/2016.html)
   [As for] the global comparison … there are places in the world that don’t have the incarceration rates. Their penalties for certain activities are much more Draconian than incarceration…[T]hey kill people. They cut off the hands of people who deal with drugs for example in certain parts of the world.  
6. … Google anything by or about (e.g. NYT, WSJ) “Prof. John Pfaff, Fordham Law School

**ARTICLE 23**

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.