



## WARRANT

### THE COMMONWEALTH OF MASSACHUSETTS TOWN OF BROOKLINE SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the FOURTEENTH day of NOVEMBER, 2017 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

#### **ARTICLE 1**

Submitted by: Board of Selectmen

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

#### **ARTICLE 2**

Submitted by: Human Resources

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

**ARTICLE 3**

Submitted by: Board of Selectmen

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2018 budget or transfer funds between said accounts;
- B) Appropriate \$340,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for Singletree tank improvements.
- C) Appropriate \$320,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for Singletree Hill Gatehouse improvements.
- D) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

**ARTICLE 4**

Submitted by: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to acquire, by purchase, gift, eminent domain or otherwise, in fee simple, a parcel of land located at 111 Cypress Street, Brookline, MA, as shown on the taking plan attached hereto and to be recorded herewith, including all buildings and structures thereon and all privileges and appurtenances thereto belonging, as well as all trees and shrubs thereon, excepting therefrom any easements of record shown on said taking plan included within such description by whomsoever the same may be owned, consisting of approximately 38,961 Square Feet, for general municipal purposes, and for all purposes and uses accessory thereto, including but not limited to, inter alia, the expansion of both the existing High School campus and High School educational facilities and amenities, including class rooms, conference and meeting rooms, study areas and educational office space, and that to meet such expenditure to appropriate a sum of money to be expended at the direction of the Selectmen, to pay costs of acquiring said property, and for the payment of all costs incidental and related thereto, and to determine whether such amount shall be raised by taxation, transfer from available funds, borrowing or otherwise; to authorize the Selectmen to apply for, accept and expend any grants from any source whatsoever that may be available to pay any portion of this project or to take any other action relative thereto.

## **Land Description:**

### Unregistered Land

Beginning at the point of curvature at station 7+10.14 (left) on Brington Road as shown on the street datacard on file in the Engineering Division office.

Thence running by Brington Road N27-30-09W for twenty-three and 30/100 feet (23.30') to a point

Thence turning and running by land N/F of John Murphy et al. for four courses, N20-59-54E for sixty two and 92/00 feet (62.99'), N50-52-08E thirty three and 88/ feet (33.88'), N23-34-11E thirty eight and 20/00 feet (38.20'), N66-25-49W forty six and 30/100 feet (46.30') to a point at land N/F George K Sioras et al.

Thence turning and running by land N/F of George K. Sioras N52-49-11E for fifty six and 28/100 feet (56.28') to a point

Thence turning and running S68-43-47E for one hundred seventy five and 65/100 feet (175.65) to Cypress Street

Thence turning and running by Cypress Street S32-19-41W for fifty and 71/100 feet (50.71') to a point of curvature

Thence running by Cypress Street on a curve to the left having a radius of 657.85 feet for a distance of one hundred seventy four and 28/100 feet (174.28') to a point of reverse curvature

Thence running by Cypress Street and Brington Road by a curve to the right having a radius of 20.11 feet for a distance of thirty four and 46/100 feet (34.46') to a point of common curvature

Thence running by Brington Road by a curve to the right having a radius of two hundred and 00/100 feet (200.00') for a distance of one hundred twenty nine and 62/100 feet (129.62') to the point of beginning.

### Registered Land

Beginning at an angle point 63.12 feet N32-19-41E from a point of tangency on Cypress Street.

Thence running by Cypress Street S32-19-41W for twelve and 41/100 feet (12.41') to a point

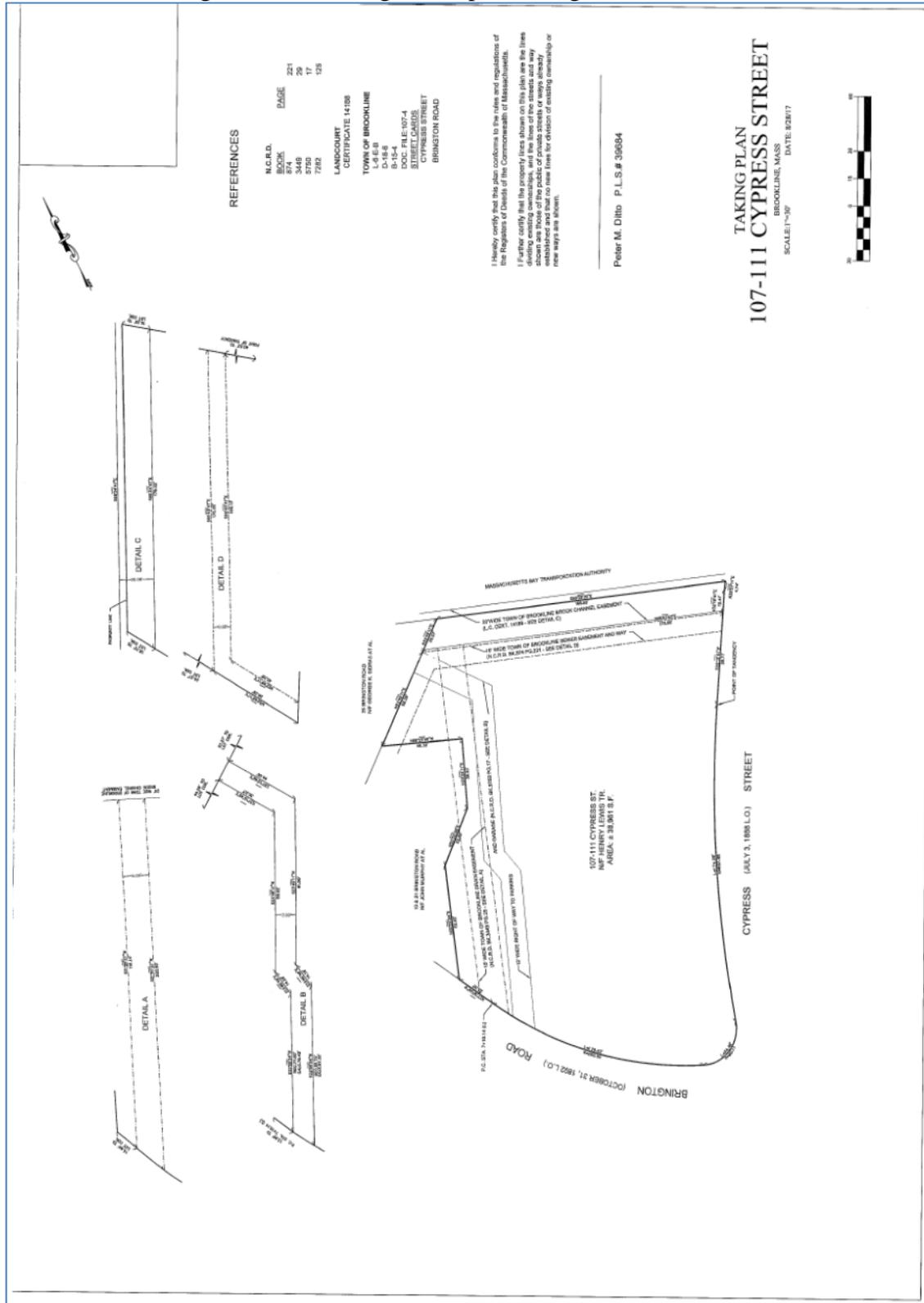
Thence turning and running N68-43-47W for one hundred seventy five and 65/100 feet (175.65') to land N/F of George K. Sioras

Thence turning and running N52-49-11E for twenty and 27/100 feet (20.27') to land of MBTA

Thence turning and running S68-33-39E for one hundred sixty eight and 60/100 feet (168.60') to Cypress Street

Thence turning and running by Cypress Street for N35-27-11E for four and 74/100 feet (4.74) to the point of beginning.

Area of both the registered and unregistered parcels together - +/- 38,961 S.F



(A larger copy of this map will be available in the Selectmen's Office)

**ARTICLE 5**

**Submitted by:** Board of Selectmen

To see if the Town will vote to release and approve the remaining balance previously appropriated under Section 13, Special Appropriation No. 67 of Article 9 of the 2017 Annual Town Meeting, to fund schematic design services for the construction of a 9th elementary school to be located at 490 Heath Street, or, in the alternative, to re-appropriate the remaining balance previously appropriated under Section 13, Special Appropriation No. 67 of Article 9 of the 2017 Annual Town Meeting to be expended under the direction of the Building Commission, with any necessary contracts greater than \$100,000 to be approved by the Board of Selectmen and the School Committee, for feasibility and schematic design services for the construction of a 9th elementary school at a different location.or act on anything relative thereto.

**ARTICLE 6**

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

To see if the Town will vote to authorize the Board of Selectmen to petition the Legislature for a special act authorizing the Town to increase the maximum qualifying gross receipts amount for purposes of M.G.L. Chapter 59, Section 5 clause Forty-First A, from the amount of income determined by the commissioner of revenue for the purposes of subsection (k) of Section 6 of Chapter 62 for a single person who is not a head of household to that of married persons filing jointly, or take any other action relative thereto.

**ARTICLE 7**

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

To see if the Town will vote to reduce the rate of interest on real property taxes that are deferred under the provisions of M.G.L. Chapter 59, Section 5 clause Forty-first A from five per cent per annum to the one-year average of the U.S. 10 year treasury constant maturity rate for the calendar year preceding the beginning of any fiscal year the eligible property owner enters into a tax deferral and recovery agreement with the board of assessors as provided in said Section 5 clause Forty-first A; provided that such rate of interest shall not be more than the maximum rate allowed under said clause Forty-First A, or take any other action relative thereto.

**ARTICLE 8**

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

To see if the Town will vote to accept the provisions of Section 3D of Chapter 60 of the Massachusetts General Laws, thereby establishing a taxation aid committee and aid to the elderly and disabled taxation fund as provided in said Section 3D; or take any other action relative thereto.

**ARTICLE 9**

Submitted by: Board of Selectmen

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO GRANT 35 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES AND 5 ADDITIONAL LICENSES FOR THE SALE OF WINES AND MALTS TO BE DRUNK ON THE PREMISES.

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws or any other general or special law to the contrary, the licensing authority of the Town of Brookline may grant 35 additional licenses for the sale of all alcoholic beverages to be drunk on the premises, and 5 additional licenses for the sale of wines and malt beverages to be drunk on the premises pursuant to section 12 of chapter 138, provided, however, that such licenses are issued to an establishment that holds a Common Victuallers license pursuant to section 2 of chapter 140 of the General Laws. The licenses granted under this section shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall restrict the licenses authorized by this section in the following manner:

(i) 1 license for the sale of all alcoholic beverages may be granted to an entity located at the parcel depicted on page 59 of the Town of Brookline Assessor's Atlas, as block number 238, lot number 01; ("Map 1")

(ii) 2 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 29B of the Town of Brookline Assessor's Atlas, as block number 138, parcel numbers 01 and 02. ("Map 2");

(iii) 1 license for the sale of all alcoholic beverages may be granted to an entity located at the parcel depicted on page 29B of the Town of Brookline Assessor's Atlas as block number 135, lot number 01. ("Map 2");

(iv) 4 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 29B of the Town of Brookline Assessor's Atlas as block 135, lot numbers 10-11, 12-13, 14, 15, 17-18, and 19-22. ("Map 2")

(v) 3 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 9 of the Town of Brookline Assessor's Atlas as block number 045, lot numbers 01, 11 and 02-01. ("Map 3");

(vi) 5 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcels depicted on page 122A of the Town of Brookline Assessor's Atlas as block number 425, lot numbers 07, 07-01, 07-09,10, 10-01, 11 and 12. ("Map 4");

(vii) 4 licenses for the sale of all alcoholic beverages may be granted to entities located at the parcel depicted on page 8 of the Town of Brookline Assessor's Atlas as block number 042, lot number 11-01. ("Map 5");

(viii) 15 licenses for the sale of all alcoholic beverages may be granted to entities located in any of the "Development Opportunity Areas," the boundaries of which are shown on a map titled "Development Opportunity Areas (Map 6-A, 6-B, and 6-C)" dated August 2017;

(viii) 5 licenses for the sale of wines and malt beverages may be granted to entities located in any of the "Development Opportunity Areas," the boundaries of which are shown on a map titled shown on a map titled "Development Opportunity Areas (Map 6-A, 6-B, and 6-C)" dated August 2017.

(c) A license granted under this section shall only be exercised in the dining room of a Common Victualler and in such other public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

(d) Once issued, the licensing authority shall not approve the transfer of the licenses to any other location but it may grant the licenses to new applicants at the same time if the applicants file with the licensing authority a letter from the department of revenue and a letter from the division of unemployment assistance indicating that the licenses are in good standing with the department and that all applicable taxes, fees, and contributions have been paid.

SECTION 2. This act shall take effect upon its passage.

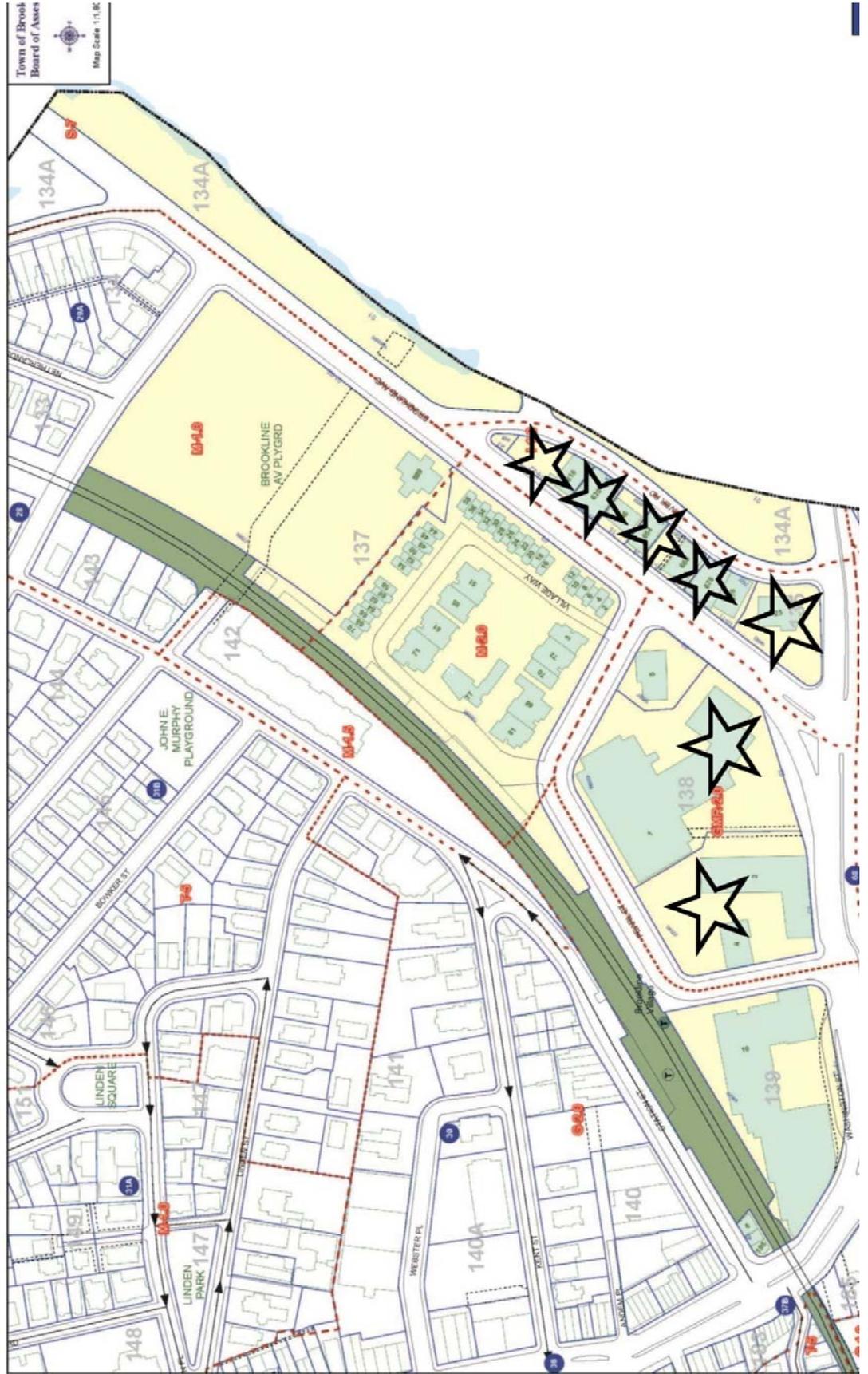
# MAP 1

★ Denotes lot receiving additional licenses



# MAP 2

★ Denotes lots receiving additional licenses



# MAP 3

★ Denotes lots receiving additional licenses



# MAP 4

★ Denotes lots receiving additional licenses



# MAP 5

★ Denotes lot receiving additional licenses





# Development Opportunity Areas MAP 6-B

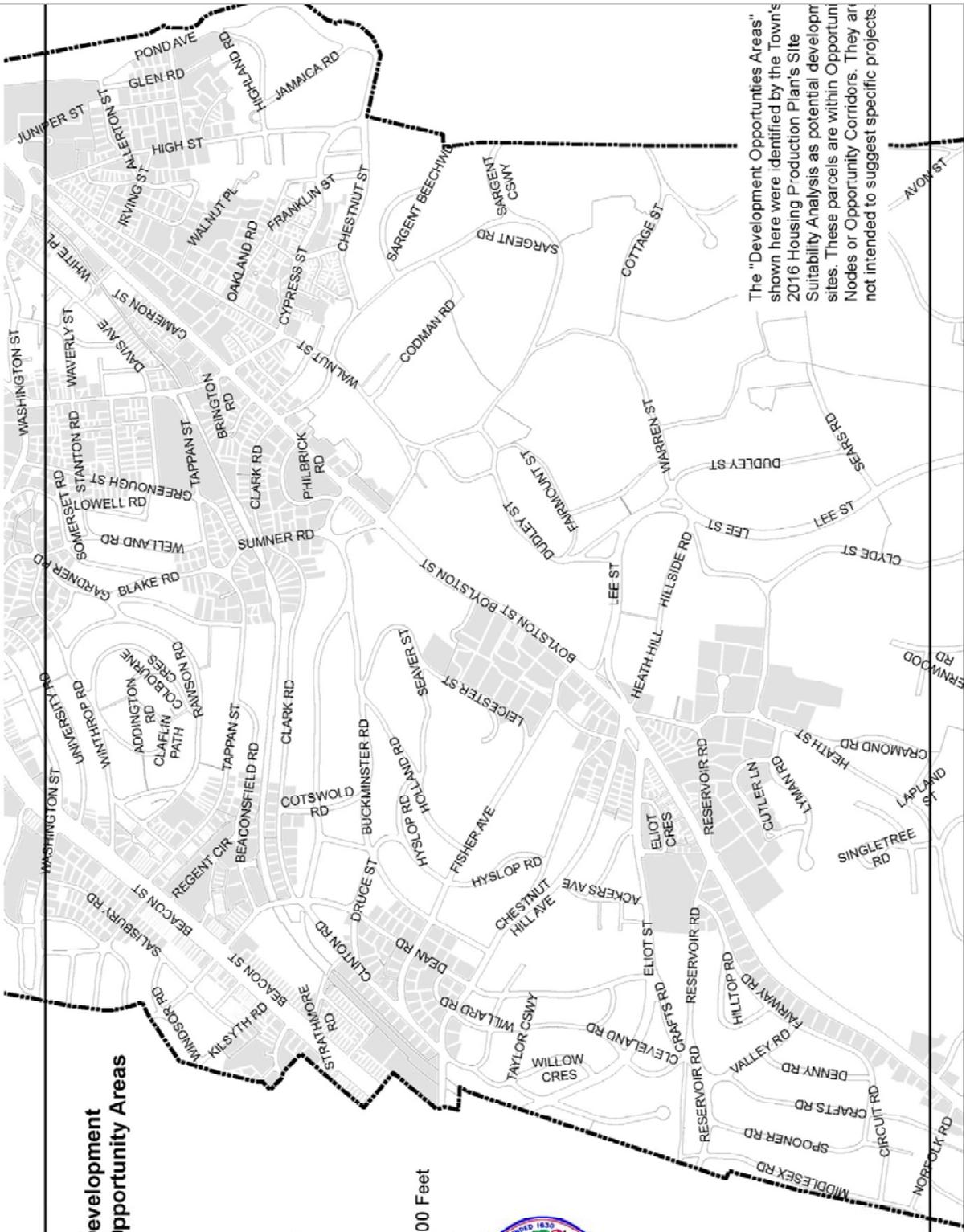
Date: August 2017  
Sources: Town of Brookline GIS,  
Town of Brookline Housing Production Plan, July, 2016

MAP 6-A  
MAP 6-B

Development  
Opportunity Areas



MAP 6-B  
MAP 6-C



The "Development Opportunities Areas" shown here were identified by the Town's 2016 Housing Production Plan's Site Suitability Analysis as potential development sites. These parcels are within Opportunity Nodes or Opportunity Corridors. They are not intended to suggest specific projects.

# Development Opportunity Areas MAP 6-C

MAP 6-B  
MAP 6-C

Date: August 2017  
Sources: Town of Brookline GIS,  
Town of Brookline Housing Production Plan, July, 2016



The "Development Opportunities Areas" shown here were identified by the Town's 2016 Housing Production Plan's Site Suitability Analysis as potential development sites. These parcels are within Opportunity Nodes or Opportunity Corridors. They are not intended to suggest specific projects.

**Development Opportunity Areas**



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

**ARTICLE 10**

Submitted by: Board of Selectmen

To see if the Town will vote to amend its Zoning By-Law and to approve a Master Development Plan for the Hancock Village redevelopment project, as follows:

- (i) Amend the Zoning Map to include a new HVOD overlay district, the boundaries of which are shown on the plan entitled, “Hancock Village Overlay District Boundary Map,” prepared by Stantec, as most recently filed with the Town Clerk; and
- (ii) Amend Section 3.01.4 to add the following new zoning overlay district to the list of previously identified zoning overlay districts: Hancock Village Overlay District.
- (iii) Amend Section 5.06.4 to create Section 5.06.4.k “Hancock Village Overlay District (“HVOD”)” as follows

***k. Hancock Village Overlay District***

- 1) The Hancock Village Overlay District (HVOD) is the site of an established residential development in the Garden Village model that has been identified as an appropriate site for a limited amount of new mixed-income housing, coupled with a limited scope of expansion and interior alteration of the existing improvements, all as shown on the Master Development Plan and otherwise specifically addressed herein.
- 2) As used in this Section 5.06.4.k, the following terms shall have the following meanings, except where the context clearly indicates otherwise:
  - a) **ADDITION** — An expansion of an existing building that increases the exterior massing of such building.
  - b) **ADDITION PLANS** – Architectural plans and elevations submitted in connection with one or more Additions pursuant to Section 5.06.4.k.4.b.ii.H.
  - c) **CONFORMANCE REVIEW** — The process and standards set forth in Section 5.06.4.k.12 to determine conformance of the HVOD Project or any proposed phase or portion thereof with the Master Development Plan and the standards and requirements set forth in this Section 5.06.4.k.
  - d) **CONSTRUCTION ACTIVITY** – The construction of new structures, roadways, driveways, parking areas or Additions, or site work associated with such construction. Construction Activity shall not include: (i) site

work not associated with the construction of new structures, roadways, driveways parking areas or Additions; (ii) the installation of utilities; (iii) restoration and improvement of land within Open Space Areas depicted on the Master Development Plan; (iv) improvements solely to the interior of structures that do not increase floor area, footprint or bedroom count; or (v) activities involving uses and structures referred to in M.G.L. c.40A §3, to the extent allowed under said section of the General Laws.

Construction Activity shall include the reconstruction of any structure within the HVOD voluntarily demolished (wholly or partially) other than in the event of damage or destruction by fire, explosion or other catastrophe.

- e) DESIGN CERTIFICATE – A certificate issued by the Planning Board pursuant to Section 5.06.4.k.4.b.ii.H, below.
- f) DESIGN GUIDELINES – The Design Guidelines set forth in Section 5.06.4.k.4.b.ii.G, below.
- g) DISTRICT FLOOR AREA RATIO (DFAR) —The ratio of the combined gross floor areas of all buildings within the HVOD to the total area of the HVOD.
- h) FINAL PLANS — The plans and materials submitted in connection with the Conformance Review pursuant to Section 5.06.4.k.12.
- i) GRADE PLANE — The average of finished ground level adjoining a building at the exterior walls. Where finished ground level slopes away from the exterior walls, the grade plane shall be established by the lowest points within the area between the building and a point 6 feet from the building. For purposes of calculating building height within the HVOD, this definition shall be used in place of the level specified in Section 5.30.
- j) HANCOCK VILLAGE CONFORMANCE REVIEW COMMITTEE (HVCRC) — The Committee appointed by the Planning Board pursuant to Section 5.06.4.k.12.b to determine conformance of the HVOD Project or any proposed phase or portion thereof with the Master Development Plan and the standards and requirements set forth in this Section 5.06.4.k. The Planning Board shall also establish rules and regulations governing the number of members of the HVCRC, what constitutes a quorum, and other matters related to the conduct of the HVCRC.
- k) HEIGHT OF BUILDING — The vertical distance of the highest point of the roof beams in the case of a flat roof, or the top of the rafters at the ridge in the case of a sloping roof above the grade plane. For purposes of calculating building height within the HVOD, this definition shall be used in place of the definition specified in Article II of this By-Law, and the provisions of Sections 5.30-5.32 shall not apply; provided, however, that, within the HVOD: (i) structures or facilities normally built or installed so as to extend above a roof and not devoted to human occupancy, such as

transmission towers, chimneys, smokestacks, flag poles, masts, aerials, elevator penthouses and water tanks or other structures normally built above the roof and not devoted to human occupancy shall be excluded from the computation of building height as long as they would not if counted cause the applicable maximum Building Height to be exceeded by more than 10 feet, except as authorized by a special permit granted by the Board of Appeals; (ii) any rooftop mechanical feature, heating or air conditioning unit, vent, stack, or mechanical penthouse shall be screened by parapet walls or similar building elements, to the extent necessary to screen such feature from view from properties outside of the HVOD, and shall comply with the provisions of the Noise Control By-Law; and (iii) rooftop structures shall not cause the applicable maximum Building Height to be exceeded by more than 10 feet except as authorized by a special permit granted by the Board of Appeals.

- l) HVOD — The Hancock Village Overlay District, the boundaries of which are shown on a map of land entitled “Hancock Village Overlay District Boundary Map” dated August 31, 2017, prepared by Stantec Planning and Landscape Architecture P.C., filed with the Town Clerk, which map, together with all explanatory matter thereon, is hereby incorporated in and made a part of this By-Law. The HVOD has an area of approximately 2,165,545 square feet.
- m) HVOD PROJECT — All development within the four “Development Areas” and the two “Open Space Areas,” as shown on the Master Development Plan, including all associated roads and site access features shown thereon, and renovations pursuant Section 5.06.4.k.4.b.i of this By-Law. The HVOD Project does not include any Addition.
- n) MASTER DEVELOPMENT PLAN — A plan entitled “Hancock Village Master Development Plan” dated August 31, 2017, prepared by Stantec Planning and Landscape Architecture P.C., a copy of which is on file with the Town Clerk’s Office and shall be incorporated into this By-Law and made a part hereof.
- o) PROPONENT — The proponent or developer of the HVOD Project or any proposed phase or portion thereof, or the proponent or developer of any Addition.
- p) SIGNAGE PLAN – A plan entitled “HVOD Signage Plan” dated August 31, 2017, prepared by Stantec Planning and Landscape Architecture P.C., a copy of which is on file with the Town Clerk’s Office.
- q) STRUCTURED PARKING — A parking facility contained entirely within a building or structure.

Other terms used but not defined in this Section 5.06.4.k shall have the meanings set forth in Article II of this By-Law.

3) The HVOD is established as an overlay district superimposed over the underlying zoning districts. The regulations set forth in this Section 5.06.4.k shall apply to the entire HVOD land area in lieu of all other use, bulk and dimensional, parking, landscaping, screening, setback/radius, signage, affordable housing and other zoning regulations that would otherwise be applicable. Such regulations shall apply to the entire HVOD land area as if it were one lot, even if it is comprised, at any time, of more than one parcel, including parcels separated by a street or way.

4) Land within the HVOD may be developed and used as follows:

a. The HVOD Project shall be allowed in accordance with the Master Development Plan and the standards and guidelines set forth in this Section 5.06.4.k. The following structures and uses shall be allowed as components of the HVOD Project or any proposed phase or portion thereof:

i. Multiple Dwellings (but not including lodging houses, hotels, dormitories, fraternities or sororities) containing, in total, no more than 382 new dwelling units constructed in locations as shown on the Master Development Plan as follows:

**Figure 5.06.4.k.1**

|                           | <b>Total Units</b> | <b>1 Bedroom Units</b> | <b>2 Bedroom Units</b> | <b>3 Bedroom Units</b> | <b>Total Bedrooms</b> | <b>Affordable Units</b>                                    |
|---------------------------|--------------------|------------------------|------------------------|------------------------|-----------------------|--|
| <b>Asheville Building</b> | 112                | 84                     | 28                     | 0                      | 140                   | 28 at 80% Adjusted Area Median Income (“AMI”) <sup>1</sup> |
| <b>Gerry Building</b>     | 36                 | 13                     | 11                     | 12                     | 71                    | 9 at 80% AMI; 18 at 100% AMI <sup>2, 3</sup>               |
| <b>Sherman Building</b>   | 234                | 133                    | 101                    | 0                      | 335                   | 0  |
| <b>Total</b>              | 382                | 230                    | 140                    | 12                     | 546                   | 37 at 80% AMI; 18 at 100% AMI <sup>2, 3</sup>              |

Footnotes to Figure 5.06.4.k.1:

<sup>1</sup> For purposes of this Section 5.06.4.k, the designation “at 80% AMI” shall refer to an Affordable Unit that meets the LIP Criteria laid out in the Guidelines for M.G.L. c. 40B Comprehensive Permit Projects, Subsidized Housing Inventory (Updated December 2014) or any subsequent revision or replacement guidelines adopted by the Massachusetts Department of Housing and Community Development (DHCD), available for rent to an Income Eligible Household, as defined said Guidelines.

<sup>2</sup> For purposes of this Section 5.06.4.k, the designation “at 100% AMI” shall refer to an Affordable Unit (as defined in Section 4.08.2.c), available for rent or sale to an Eligible Household (as defined in Section 4.08.2.d) earning less than or equal to 100% of the AMI.

<sup>3</sup> In lieu of providing 18 Affordable Units at 100% AMI (10 one-bedroom units, 8 two-bedroom units) within the Gerry Building, the Proponent may, at its election, instead provide 18 one-bedroom units and 8 two-bedroom units at 100% AMI (for a total of 26

units containing 34 bedrooms) within townhouse buildings that exist within the HVOD as of the effective date of this Section 5.06.4.k, and shall indicate its decision to make such election on the Affordable Housing Plan for the Gerry Building required by Section 5.06.4.k.4.a.i.I.

All Affordable Units (whether at 80% AMI or 100% AMI) included within the HVOD Project (or included within any townhouse buildings that exist within the HVOD as of the effective date of this Section 5.06.4.k, pursuant to Footnote 3 in Figure 5.06.4.k.1) shall follow the following standards and procedures:

- A) Each Affordable Unit shall be indistinguishable in external appearance from market rate units located in the same building as such Affordable Unit. Affordable units shall have the same mechanical systems as market rate units, except that Affordable Units with up to two bedrooms may have only one bathroom, and Affordable Units with three bedrooms shall have at least 1.5 bathrooms. Affordable units shall have the same level of quality of finishes and appliances as the market rate units except where the Director of Planning and Community Development specifically approves, in advance, a request for different finishes and/or appliances.
- B) The Affordable Units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is smaller:
  - 1 bedroom: 700 square feet
  - 2 bedrooms: 900 square feet
  - 3 bedrooms: 1100 square feet

For purposes of this subparagraph only, square footage shall be calculated within the interior surfaces of the perimeter surfaces of the walls of the unit.

- C) Floor plans for Affordable Units which differ from those of market rate units located within the same building shall not be approved without the recommendation of the Director of Planning and Community Development.

- D) Initial rents, and rent increases for the Affordable Units shall be established in accordance with Guidelines established by DHCD and the Town's Department of Planning and Community Development.
- E) The Town may establish a system of priorities for selecting buyers or renters, in accordance with the Town's Affordable Housing Guidelines and any applicable DHCD requirements.
- F) All Affordable Units will be monitored on an annual basis by DHCD and the Town of Brookline Planning Department/ Housing Division. The Town may require that lessees of affordable rental units meet income recertification requirements upon renewal of lease terms.
- G) Affordability restrictions shall be embodied in DHCD's LIP Rent Regulatory Agreement for the 80% AMI Affordable Units and a similar Town Rental Agreement for the 100% AMI Affordable Units.
- H) Covenants and other documents necessary to ensure compliance with this section shall be executed and recorded prior to the issuance of a certificate of occupancy. In addition, the execution and recording of such covenants and other documents prior to issuance of a certificate of occupancy shall be a condition of any building permit issued for an HVOID Project building (or building permit for the renovation of an existing unit intended to be rented at 100% AMI pursuant to Footnote 3 of Figure 5.06.4.k.1) containing Affordable Units.
- I) Submittal of Affordable Housing Plan—The Proponent shall submit an Affordable Housing Plan form to the Planning and Community Development Department prior to making an application for a building permit for a particular HVOID Project building. This form shall provide a schedule of all project units by location, square footage, unit types, number and types of rooms, and location of Affordable Units within that building. Locations of all Affordable Units must be approved by the Director of Planning and Community Development.

J) Prior to issuance of any certificate of occupancy for any unit in the HVOD Project including Affordable Units, the Proponent shall submit to the Director of Planning and Community Development for approval a plan for marketing and selection of occupants of the Affordable Units in the building where the certificate of occupancy is sought; said plan to include the initial rents for the units designated as affordable. All Affordable Units (80% AMI and 100% AMI) within a particular building will be marketed at the same time and will follow DHCD Guidelines for Affirmative Marketing and Tenant Selection, as outlined in Section 3 of Guidelines for M.G.L. c. 40B Comprehensive Permit Projects, Subsidized Housing Inventory (Updated December 2014) or any subsequent revision or replacement guidelines adopted by DHCD.

K) The Building Commissioner may limit, restrict or withhold the issuance of a certificate of occupancy for any market rate unit in a particular HVOD Project building until certificates of occupancy also have been issued for a corresponding percentage of Affordable Units in such building as required by this Section 5.06.4.k.a.i (for example purposes only, the Building Commissioner may withhold, limit or restrict a certificate of occupancy for a market rate unit in the Asheville Building if issuance of such certificate of occupancy would result in Affordable Units constituting less than 25% of the total number of units in the Asheville Building for which certificates of occupancy are being, or have been issued).

- ii. Leasing, business and professional office uses incidental to and exclusively for the management of buildings within the HVOD; provided, however, that the aggregate gross floor area of all such uses shall not exceed 25,000 square feet. Uses allowed pursuant to this subsection and subject to the limitation on square footage are distinct from those uses described in subsection iv, below;
- iii. Parking as shown on the Master Development Plan and otherwise in accordance with Section 5.06.4.k.6;
- iv. Social or community facilities, private swimming pools, health and fitness clubs, tennis courts or other amenity space incidental to one or more Multiple Dwellings within the HVOD and identified on

the Master Development Plan and intended for the exclusive use of residents of the HVOD; and

- v. Recycling facilities incidental to one or more allowed uses within the HVOD.
  
- b. The residential use of those existing structures shown on the Master Development Plan but not included within the HVOD Project, and the structures themselves, are allowed by right in the manner, form, dwelling unit and bedroom counts and configurations, and with the structural dimensions that exist as of the effective date of this Section 5.06.4.k. The existing residential use and structures shown on the Master Development Plan may be expanded, altered and changed as follows:
  - i. The renovation of existing dwelling units within the HVOD by converting laundry or utility rooms to bedrooms, creating up to 13 new bedrooms, is allowed exclusively in the locations shown as “Laundry/Storage Room Conversion” on the Master Development Plan, provided such renovations do not increase the footprint of the existing buildings.
  
  - ii. An Addition shall be allowed by right; provided, however, that the following conditions shall be satisfied:
    - A) The DFAR, including the proposed Addition, shall not exceed 0.48. For purposes of this Section 5.06.4.k, the DFAR shall be computed using the entire gross floor area of: (i) the HVOD Project, regardless of whether construction thereof has been completed at the time of such Addition; and (ii) any other building existing within the HVOD at the time of such Addition. The total square footage allowed for Additions pursuant to this section shall not exceed 25,000 square feet.
  
    - B) No Addition shall add more than 175 square feet of gross floor area to any individual dwelling unit.
  
    - C) The Addition shall only serve to extend the habitable space of the first story of the existing buildings to which they are attached and shall not extend past the height of the first story except as is necessary to conform to the design guidelines delineated below in Section 5.06.4.k.4.b.ii.G.
  
    - D) The Addition shall not involve the construction of new structures, the addition of new dwelling units, or the addition of new bedrooms or lofts.
  
    - E) No new structures shall be constructed, except as shown on the approved Master Development Plan.

- F) At least ten (10) years have passed since the issuance of the first building permit for a building within the HVOD Project.
- G) The Planning Board has reviewed such Addition Plans in accordance with the process set forth in Section 5.06.4.k.4.b.ii.H below, and confirmed the Addition conforms to the following Design Guidelines:
  - i. Additions shall be compatible with the character of the building and earlier Additions in terms of size, scale, massing, material, location and detail. Additions shall be designed so that the primary elevations of the original building remain clearly delineated.
  - ii. Each Addition shall respect the existing historic streetscape. The historic relationship of buildings to the street, including setbacks and open spaces, shall be maintained.
  - iii. Building materials shall conform to the requirements of Section 5.06.4.k.10.a, below.
  - iv. Additions shall maintain the spatial organization of the existing buildings.
- H) Prior to submitting an application for a building permit in connection with an Addition, the Proponent shall submit Addition Plans to the Planning Board. Within thirty (30) days of such submission, the Planning Board shall review the Addition Plans at a regularly scheduled meeting, for the sole purpose of determining whether such Addition Plans conform to the Design Guidelines set forth above in Section 5.06.4.k.4.b.ii.G. Within fourteen (14) days of said meeting, provided the Addition Plans conform to the Design Guidelines, the Planning Board shall issue a Design Certificate, a copy of which shall be filed with each of the Office of the Town Clerk and the Building Department, stating that such Addition Plans conform to the Design Guidelines. In the event the Planning Board does not issue such Design Certificate pursuant to this Section 5.06.4.k.4.b.ii.H, the Planning Board shall specify in writing all of its reasons for determining that the Addition does not conform to the Design Guidelines and the Proponent may, at its option: (x) withdraw the request for such Design Certificate; or (y) modify the Addition Plans to bring them into conformance with the Planning Board's findings, and

resubmit the Addition Plans for review in accordance with this Section 5.06.4.k.4.b.ii.H. If, after completion of either of (x) or (y), above, a Design Certificate does not issue, the Proponent may seek review under G.L. c. 249, §4. In the event the Planning Board fails to act within any of the time periods specified in this Section 5.06.4.k.4.b.ii.H, the conformance of the Addition Plans to the Design Guidelines shall be deemed confirmed by the Planning Board.

c. Prior to the commencement of any Construction Activity for the HVOD Project, or any portion thereof, under this Section 5.06.4.k, the land within the HVOD shall remain subject to the underlying zoning then in effect. Upon a Proponent’s election to pursue development of the HVOD Project, or any portion thereof, as shown on the approved Master Development Plan, a notice to such effect shall be recorded in the Norfolk Registry of Deeds and filed with the Town Clerk and the Building Department prior to issuance of any building permit for the HVOD Project pursuant to this Section 5.06.4.k. From and after the filing of such notice, all Construction Activity within the HVOD shall be in accordance with the approved Master Development Plan or pursuant to Section 5.06.4.k.4.b.ii in the case of an Addition. Activities that do not constitute Construction Activity may be undertaken, if otherwise permitted by applicable provisions of this By-law, prior to, or following, the filing of the notice described in this Section.

5) The following dimensional regulations shall apply to the HVOD:

a) Building Footprint: All buildings shall be limited to the two-dimensional building footprint shown on the Master Development Plan, with the exception of an Addition satisfying the requirements of Section 5.06.4.k.4.b.ii.

b) Maximum Building Height: Asheville Building: 60 feet above Grade.

Gerry Building: 47 feet above Grade.

Sherman Building: 69 feet above Grade.

Community Center Building: 47 feet above

Grade.

Recycling Center Building: 29 feet above Grade.

An existing structure shown on the Master Development Plan but not included within the HVOD Project, and any structure reconstructed on the footprint of such existing structure (whether due to voluntary demolition or due to damage or destruction by fire, explosion or other catastrophe),

shall have a maximum Building Height equal to the height of the existing structure as of the effective date of this Section 5.06.4.k.

- c) Setbacks: All buildings shall be subject to the setbacks from the boundaries of the HVOD (excluding the boundary line that is also a municipal boundary line) as shown on the Master Development Plan.
  - d) Maximum DFAR: The DFAR for the entire HVOD shall not exceed 0.48.
- 6) The parking and traffic circulation requirements set forth in this Section 5.06.4.k.6 shall apply within the HVOD, rather than the requirements set forth in Sections 6.01 through 6.03 and Sections 6.05 through 6.09 or elsewhere in this By-Law; provided, however, that Section 6.04 shall apply to the design of all parking in the HVOD in all respects except for the requirements as to setbacks, interior landscaping, and common driveways. Prior to the issuance of any Conformance Determination pursuant to Section 5.06.4.k.12, the Director of Engineering and Transportation shall find that the HVOD Project has met all applicable standards related to parking and traffic circulation.
- a) The Master Development Plan establishes a schedule of total parking spaces to be provided within the HVOD. At no time shall the total number of parking spaces within the HVOD exceed 1,439. If and to the extent construction of the entire HVOD Project is completed, no fewer than 1,375 parking spaces shall be provided within the HVOD. For any phase of the HVOD Project that includes the construction of a new building, as part of the Conformance Review conducted pursuant to Section 5.06.4.k.12, the Proponent shall submit to the HVCRC a phasing schedule describing the number of parking spaces to be constructed as part of such phase.
  - b) Parking locations shall be as shown on the Master Development Plan; provided that additional parking spaces may be provided in structured parking facilities within both the Asheville, Gerry and Sherman Buildings. Such spaces shall count toward the maximum total number of parking spaces allowed within the HVOD in Section 5.06.4.k.6.a.
  - c) To the extent consistent with the Master Development Plan, parking may be provided through on-street spaces within the HVOD, ground-level paved areas, Structured Parking or any combination thereof.
  - d) Parking spaces within the HVOD shall be used only by HVOD residents and their guests, and employees or agents of the owners or managers of property within the HVOD. The entire HVOD shall be treated as one lot for the purpose of providing the required number of parking spaces, subject to the provisions of this Section 5.06.4.k.6.d. All tenants within the HVOD shall have the right to lease or otherwise license or use parking spaces within the HVOD on such terms and conditions as may be established by the owner or owners from time to time, provided that there shall be no discrimination between tenants within any particular building with respect to their ability to lease or otherwise access and use parking spaces within the HVOD. The owners of adjacent parcels within the

HVOD, as applicable, may establish the rights of such owners and their tenants, guests and invitees to use the parking spaces within the HVOD pursuant to one or more easement agreements, which shall be duly recorded at the Norfolk County Registry of Deeds or filed with the Norfolk County District of the Land Court, as applicable.

- e) All parking areas and facilities shall be set back from the boundaries of the HVOD as shown on the Master Development Plan.
  - f) Sidewalks or multipurpose pedestrian ways and facilities shall connect each parking area or facility to buildings, public spaces, or other destination points within the HVOD as shown on the Master Development Plan. Except as shown on the Master Development Plan, no vehicular access to the HVOD over the frontage sidewalks shall be permitted.
  - g) All streets within the HVOD shall be designed and maintained so that fire lanes are unimpeded by obstacles and landscaping, as shown on the Master Development Plan.
  - h) Any of the specific requirements set forth in this Section 5.06.4.k.6 may be waived by the HVCRC in accordance with Section 5.06.4.k.12.g, below, with the exception of the minimum and maximum total number of parking spaces specified in Section 5.06.4.k.6.a.
- 7) Signs, to the extent visible from public ways, shall conform to the Signage Plan.
- 8) There shall be a buffer area, delineated as “HVOD Buffer Area” on the Master Development Plan, from the boundary of the HVOD (excluding the boundary line that is also a municipal boundary line). Said buffer may be:
- a) Landscaped in accordance with the requirements set forth in Section 5.06.4.k.9 to minimize visual impact on adjacent residential uses through the use of plantings, berms, or fencing; or
  - b) Developed as open space with play areas as shown on the Master Development Plan.
- 9) Landscaping and Screening of Parking and Buffer Areas.
- a) Landscaping within and around parking areas in the HVOD shall be substantially as shown on the Master Development Plan; provided, however, that a detailed landscaping plan shall be submitted for review and approval by the HVCRC as part of its Conformance Review.
  - b) In reviewing the landscaping plan, the HVCRC shall consider whether:
    - i. Proposed plantings include both trees and evergreen shrubs, including those existing within the HVOD.

- ii. Trees are proposed to be two and one-half inches (2 ½”) caliper four feet (4’) above ground level, of a species common to eastern Massachusetts, and likely to reach an ultimate height of at least thirty feet (30’).
  - iii. Shrubs are at least thirty inches (30”) in height at the time of planting, and of an evergreen species common to eastern Massachusetts, and likely to reach an ultimate height of at least four feet (4’), except where a lower height is necessitated for egress visibility as determined by the Building Commissioner.
  - iv. Plantings are grouped, not evenly spaced, and located or trimmed to avoid blocking egress visibility.
- c) Screening shall be required to obscure the visibility of parking areas of seven (7) or more spaces from within fifty feet (50’) beyond the boundaries of the HVOD at normal eye level. Such screening shall consist of plantings of species, size and spacing to provide effective screening within three (3) years of planting, and shall be supplemented by an opaque fence or wall at least six feet (6’) tall but no higher than seven feet (7’) tall.
  - d) Whenever possible, the landscaping and screening requirements set forth in this Section 5.06.4.k.9 shall be met by retention of existing plants.
  - e) All plant materials required by this Section 5.06.4.k.9 shall be maintained in a healthful condition. Dead limbs shall be promptly removed and dead plants shall be promptly replaced at the earliest appropriate season. Any fences required for screening shall be properly maintained.
  - f) Proposed changes to landscaping within the HVOD from the detailed landscaping plan reviewed and approved by the HVCRC pursuant to Section 5.06.4.k.12 shall be submitted to the Planning Department for review and approval by the Assistant Director of Regulatory Planning.

10) The following design and performance standards shall apply to all Construction Activity within the HVOD. These standards shall be reflected in the final plans and materials submitted for review and approval by the HVCRC as part of its Conformance Review:

- a) Exterior Finish Materials:
  - i) Building exteriors shall be consistent with the character of the existing Hancock Village and constructed of durable and maintainable materials.
  - ii) Buildings shall include operable windows of metal or vinyl-clad wood and shall meet or exceed the minimum thermal resistant requirements of the State Building Code.

- iii) The design, layout and color of doors and windows shall reflect the style and character of existing buildings within the HVOD.
- iv) Finish materials shall not be susceptible to rapid staining, fading or other discoloration.

b) The provisions of Section 7.04 shall apply to the HVOD Project. Without limiting the foregoing, all exterior lighting shall be designed and maintained so that no direct light or glare shines on any street or abutting residence located outside the HVOD. No exterior lights shall be mounted higher than fifteen (15) feet.

11) Prior to any Conformance Review for a building within the HVOD, the Proponent shall submit a rubbish and recycling plan and schedule to the Chief of Environmental Health for review and approval. Such approval shall be based on a determination that:

- a) All rubbish generated within the HVOD shall be handled and disposed of in compliance with all applicable regulations by the Proponent;
- b) The Proponent has provided sizes, number, and location of recycling buildings, dumpsters, trash compactors, and recycling containers;
- c) The Proponent has provided a schedule for trash and recycling pick-up demonstrating compliance with applicable Town by-laws;
- d) Dumpsters are fully screened on three sides with solid walls of a sufficient height with a solid front gate;
- e) Trash compactors are enclosed; and
- f) The Proponent has provided a rodent and insect control plan.

12) Development of the HVOD Project or any phase or portion thereof shall be allowed, subject to a Conformance Review by the HVCRC as provided herein.

a) A request for a Conformance Review shall be filed with the Town Clerk, and copies shall be submitted to the Planning Board and the Zoning Coordinator. The application shall include, as applicable, the following Final Plans and related materials:

1. Locus Map showing boundaries of the subject property
2. Existing Conditions Plan
3. General Layout Map
4. Site Development Plans identifying building locations including all accessory structures, site circulation, location of trash receptacles, location of parking and all other site components. These shall include Landscaping, Utility and Stormwater Plans (which Utility

and Stormwater Plans shall be reviewed and approved by the Director of Engineering and Transportation prior to submission to the HVCRC and shall be provided to the HVCRC for informational purposes only)

5. Architectural Floor and Elevations Plans
6. Transportation Access Plan (reviewed and approved by the Director of Engineering and Transportation and provided to the HVCRC for informational purposes only)
7. Exterior Lighting Plan
8. Table of development data, including building height, setbacks, gross floor area, number of dwelling units, number of bedrooms per dwelling, number of affordable housing units, number of parking spaces (including designated handicapped spaces), and number of bicycle parking spaces/racks.
9. A computation, prepared by a licensed professional engineer, of the current DFAR of the HVOD and the impact of construction of the HVOD Project or phase or component thereof on that DFAR.

b) As soon as practicable after receipt of a request for a Conformance Review, the Planning Board shall appoint the HVCRC to conduct the Conformance Review.

c) Within fourteen (14) days of receiving the request, the Director of Planning and Community Development (or her designee), shall send a letter, with a copy to the Town Clerk, notifying the Proponent that its request is either complete or incomplete. Any determination that the request is incomplete shall state what additional information is required to complete the request. If the Director of Planning and Community Development (or designee) does not issue a letter within the 14-day period, the request shall be deemed complete.

d) The Conformance Review shall be completed within sixty (60) days of the determination that the request is complete, presuming that the Proponent has made timely submissions of materials in response to reasonable requests of the HVCRC that are consistent with its powers under this By-Law, except with the written consent of the Proponent. During the Conformance Review period, the HVCRC shall hold one or more public meetings, (i) notice of which shall be posted in accordance with the Open Meeting Law, M.G.L. c. 30A, §§ 18 through 25 and its implementing regulations; and (ii) which shall be conducted in accordance with rules and regulations to be adopted by the Planning Board. The HVCRC may consult with relevant Town boards and departments, which may submit comments or recommendations in writing or at a meeting of the HVCRC. The affirmative vote of a majority of a quorum of the HVCRC shall be required to complete the Conformance Review and issue a Conformance Determination authorizing the HVOD Project, or any phase or portion thereof, to proceed. Submission of any of the information or materials listed above in Section 5.06.4.k.12.a may be waived by the HVCRC if such information or materials would not be relevant to the phase (or portion thereof) for which Conformance Review has been requested, or is duplicative of information previously provided in connection with the HVOD Project or prior phases thereof.

- e) Provided the request for Conformance Review submitted pursuant to Section 5.06.4.k.12.a is complete and the Final Plans for the proposed HVOD Project, or any phase or portion thereof, conform to the Master Development Plan and the requirements set forth in this Section 5.06.4.k, the HVCRC shall issue a Conformance Determination, a copy of which shall be filed with the Office of the Town Clerk within thirty (30) days of the HVCRC vote. In the event that the HVCRC denies a Conformance Determination pursuant to this Section 5.06.4.k.12, the HVCRC shall specify in writing all of its reasons for determining that the HVOD Project, or portion thereof, does not conform to the requirements of this Section 5.06.4.k, and the Proponent may, at its option: (i) withdraw the request for such Conformance Determination or waiver; or (ii) modify its plans to bring them into conformance with the HVCRC's findings, and resubmit the plans in accordance with Section 5.06.4.k.12.a above (provided, however, for any plans resubmitted in accordance with this Section 5.06.4.k.12.e, the time period for completion of Conformance Review specified in Section 5.06.4.k.12.d shall be reduced to thirty (30) days from the date the plans are resubmitted). If, after completion of any of (i) or (ii), above, a Conformance Determination does not issue, the Proponent may seek review under G.L. c. 249, §4.
  - f) A Conformance Determination and the full plan set associated therewith shall be timely recorded with the Norfolk County Registry of Deeds and shall run with the affected land. The Proponent shall provide evidence of such recording to the HVCRC and to the Building Commissioner, and no building permit shall issue for an applicable component of the HVOD Project prior to receipt of such evidence.
  - g) As part of its Conformance Review, the HVCRC, in its discretion, may waive minor variations from the site layout and building footprints depicted on the Master Development Plan, if it determines that such waiver is not inconsistent with the intent of this Section 5.06.4.k. In making this determination, the HVCRC shall consider whether:
    - i) The purposes of this Section 5.06.4.k, will be protected;
    - ii) Strict application of the requirement to be waived would undermine the public interest;
    - iii) Specific substitute requirements can be adopted that will result in substantial protection of the public health, safety, convenience and welfare; and
    - iv) Any building or structure made possible by the waiver will not violate the provisions of any state or federal law or local by-law or be materially inconsistent with the Master Development Plan.
- 13) The HVOD Project may be constructed in one or more phases, in accordance with an applicable Conformance Determination. Upon the granting of a Conformance Determination for the HVOD Project and any phase or portion thereof, the plan

referenced in such Conformance Determination shall be deemed to be in compliance with the requirements of this By-Law at the time such finding is made, notwithstanding the status of any other phase or portion of the HVOD Project or any noncompliance of such other phase or portion with the requirements of this Section 5.06.4.k.

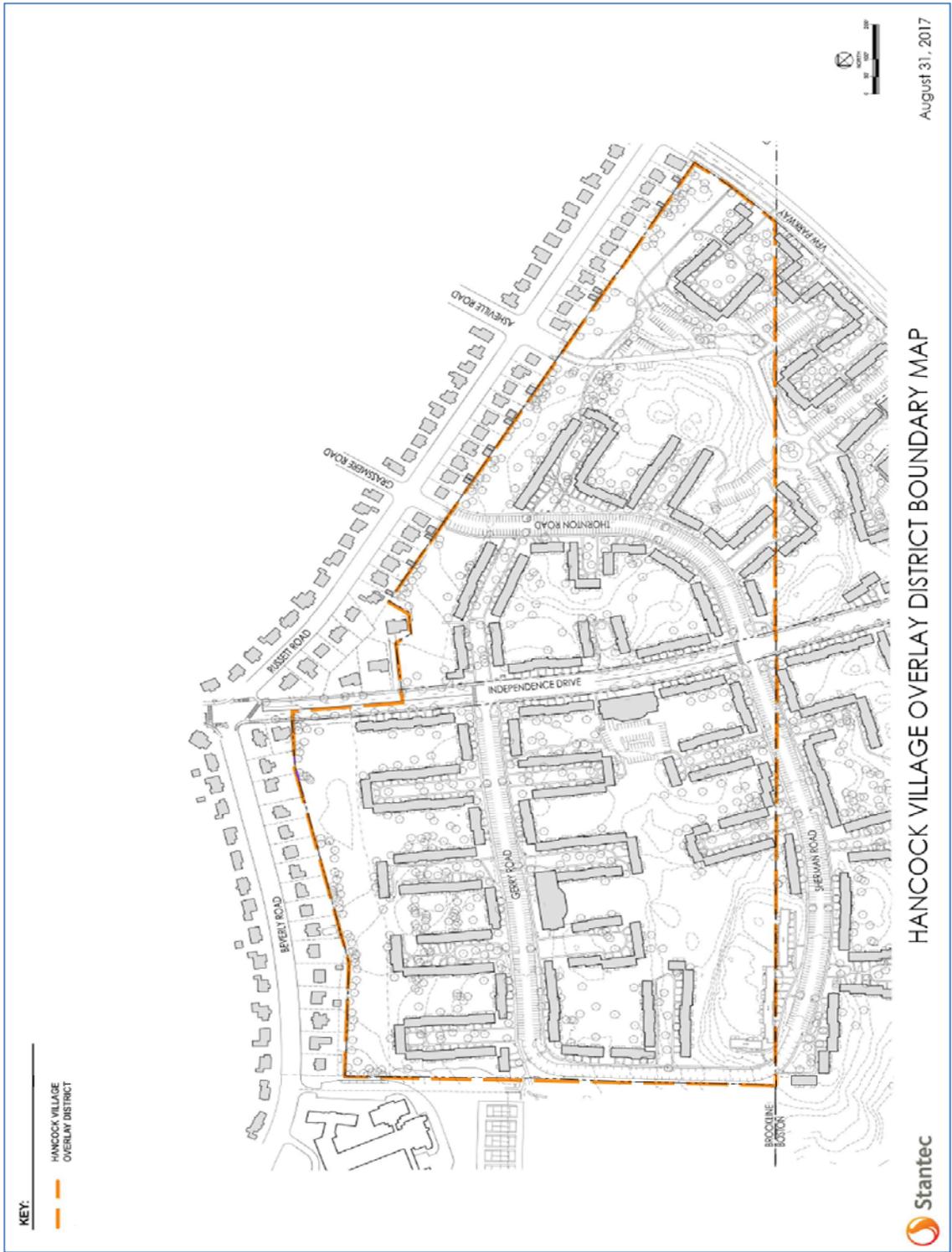
14) The owner of any portion of the land within the HVOD shall be entitled to lawfully divide such portion, including, without limitation, by virtue of plans endorsed by the Planning Board pursuant to M.G.L. c. 41, §81P or by ground lease pursuant to §2.12(5) of this By-Law; and to sell, finance or place under separate non-common ownership any such portion or portions of land, without modifying the approved Master Development Plan and without the need for other approvals or compliance with other provisions of this By-Law, except as set forth in Section 5.06.4.k. To the extent consistent with the Subdivision Control Law, M.G.L. c. 41, §81K, et seq., portions of land within the HVOD may be separated by a public or private way.

15) More than one (1) building shall be allowed on any parcel of land within the HVOD.

16) Prior to issuance of any certificate of occupancy for any building or other improvement, or any portion thereof, within the HVOD, the Proponent shall comply with the Public Works Department's Site Plan Review Checklist and with the Building Department's Certificate of Occupancy Process.

17) In the event of any conflict or inconsistency between the other provisions of this By-Law and this Section 5.06.4.k, the provisions of this Section 5.06.4.k shall prevail.

- (iv) To approve the Master Development Plan, entitled, "Hancock Village Master Development Plan," dated August 31, 2017, prepared by Stantec, as most recently filed with the Town Clerk, for the Hancock Village Overlay District;



***(A larger map will be mailed to Town Meeting Members. A copy of the map will also be available in the Selectmen's Office.)***



August 31, 2017



HANCOCK VILLAGE MASTER DEVELOPMENT PLAN

(A larger map will be mailed to Town Meeting Members. A copy of the map will also be available in the Selectmen's Office.)

or take any other action relative thereto.

**ARTICLE 11**

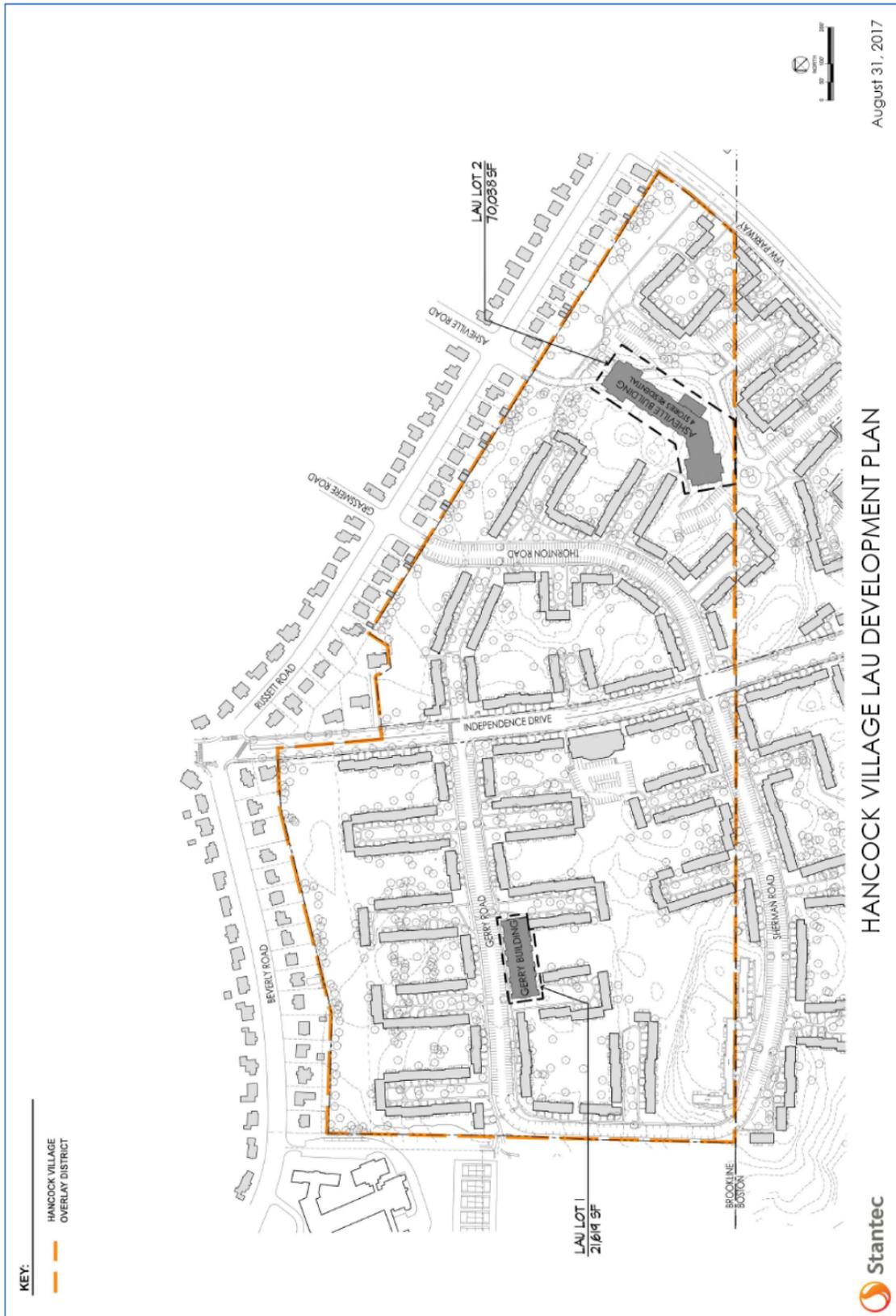
Submitted by: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into any necessary agreement(s) and/or amendments to existing agreements or other action(s) required for the negotiation and execution of a “Development Agreement” related to development within the four “Development Areas” and the two “Open Space Areas,” as shown on the plan entitled, “Hancock Village Master Development Plan,” dated August 31, 2017, prepared by Stantec, as most recently filed with the Town Clerk, including all associated roads and site access features shown thereon, and to negotiate and execute such other agreements with the proponents of such development as may be deemed necessary or appropriate by the Board of Selectmen, or take any other action relative thereto.

**ARTICLE 12**

Submitted by: Board of Selectmen

To see if the Town will vote to authorize the Board of Selectmen to enter into any necessary agreement(s) and/or amendments to existing agreements or other action(s) required for the negotiation and execution of a “Local Action Unit (LAU) Development Agreement” related to development of 148 units of housing , as shown on the plan entitled, “LAU Development Plan,” dated August 31, 2017, prepared by Stantec, as most recently filed with the Town Clerk, which units have been designated for inclusion on the Town’s Subsidized Housing Inventory maintained by the Department of Housing and Community Development (DHCD), and to negotiate and execute such other agreements with the proponents of such development and DHCD as may be deemed necessary or appropriate by the Board of Selectmen, or take any other action relative thereto.



*(A larger map will be mailed to Town Meeting Members. A copy of the map will also be available in the Selectmen's Office.)*

**ARTICLE 13**

Submitted by: Board of Selectmen

To see if the Town will authorize the Board of Selectmen to accept and subsequently enforce a deed restriction from the owners of the parcels known as Hancock Village in a form substantially similar to the draft deed restriction included as an exhibit to this article for the purposes of precluding further use of M.G.L. c. 40B or similar statute by said owners for the purposes of overriding the Zoning By-Law of the Town, or act on anything relative thereto.

**ARTICLE 14**

Submitted by: Board of Selectmen

To see if the Town will authorize the Board of Selectmen to acquire by gift or deed for general municipal purposes the land shown as “HVOID Buffer Area,” on the plan entitled “Hancock Village Master Development Plan,” and dated August 31, 2017 available for review at the Office of the Town Clerk, consisting of approximately 155,116 square feet in area, along with any necessary accompanying easements, with a portion of said “HVOID Buffer Area” to be subject to such retained easements as may be reasonable or necessary for the original owners to access and maintain subsurface stormwater drainage and utility systems, and landscaping, or to act on anything relative thereto.

**ARTICLE 15**

Submitted by: Board of Selectmen

To see if the Town will vote to amend the Town’s General By-Laws to delete Section 5.10.3(d)(1) thereof, and to rescind the establishment of the “Hancock Village Neighborhood Conservation District” pursuant to Article 6 of the November 15, 2011, Special Town Meeting, or take any other action relative thereto.

**ARTICLE 16**

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 3.21 of the Town’s General By-Laws as follows (bold underlined language is new; strike-out language is deletion):

ARTICLE 3.21 READILY ACCESSIBLE ELECTRONIC MEETING NOTICES, AGENDAS, **INFORMATION** AND RECORDS

Section 3.21.1 Purpose and Applicability

This by-law applies to the meetings of all Brookline governmental bodies subject to the Open Meeting Law, now G.L. c. 39, §§23A et seq. (hereinafter, respectively, "meetings" and "OML"), and is intended (a) to take advantage of the internet and its increasing use; (b) to better implement the spirit of the OML; and (c) to the extent reasonably practical, to improve opportunities for broader and more meaningful citizen participation in the business of Town governmental bodies.

### Section 3.21.2 Electronic Notification List(s) & Calendar

The Information Technology Department ("ITD") shall maintain one or more broadly available list(s) for the purpose of providing electronic notifications (such as by email) to Town Meeting Members and other Town residents who request to be included, prominently promoted on the Town website's Homepage, along with a link to a readily available and current Calendar of upcoming meetings.

### Section 3.21.3 Meeting Notices, and Agendas **and Information**

- (a) Each meeting "notice" required by OML shall not only be "posted" under the OML at least forty-eight hours before the meeting but, additionally, shall be posted in electronic format as soon as is practicable on the Town website Calendar after said meeting has been scheduled. To the extent possible, each posting shall include (i) an agenda that is reasonably descriptive of the intended business of the meeting, subject to later revisions as needed, ~~and~~ (ii) the name **and contact information** of a **primary** contact person ~~along with contact information~~ for further inquiries, for forwarding messages to the relevant governmental body, for obtaining background information to the extent readily available, and for obtaining contact information (or a website link containing such information) for all of members of the governmental body, **and (iii) such documents pertinent to known topics of public concern (or a website link containing such information) as is being or has been provided to the relevant governmental body.**
- (b) (b) With the assistance and direction of the Town Clerk and ITD, the information specified above shall be disseminated in a timely manner to citizens who join the aforementioned notification list(s).

### Section 3.21.4 Records

Records of meetings of all Town governmental bodies shall be reasonably descriptive of the business conducted, ~~and~~ shall include a summary of discussions **and any documents (e.g., plans, policies and procedures) that were voted upon (or a website link thereto)**, in addition to indicating actions taken and other requirements of the OML, and shall be accessible electronically from the Town website as soon as is practicable following the meeting at issue.

### Section 3.21.5 Enforcement

As to mandates of this by-law that exceed those of state laws, including the OML, all officials, boards and committees responsible for appointing members of committees subject to this by-law shall periodically notify their appointees in writing of the requirements of this by-law. No additional enforcement powers are hereby conferred upon the Norfolk County District Attorney beyond the responsibility of such office with respect to state law, including the OML, nor shall actions taken at any meeting be held invalid due

to failure to comply with any requirements of this bylaw that exceed those of state laws, including the OML.

~~Section 3.21.6 Effective Date~~

~~The requirements of this by-law shall become effective on July 01, 2008.~~

Or take any other action relative thereto.

**ARTICLE 17**

Submitted by: Richard Murphy

To see whether the Town will vote to amend the Town's General Bylaws by adding a new Tree Preservation Bylaw, as follows:

ARTICLE 8.37: TREE PRESERVATION BYLAW

8.37.1. **PURPOSE:** The intent of this Tree Preservation Bylaw is to encourage the preservation and protection of trees during significant demolition and/or construction activity by designating areas of a lot where trees must be protected, and requiring mitigation for trees that are removed by the replanting of trees or the collection of fees to support the Town's tree planting and maintenance efforts.

8.37.2. **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.

2.5 **Protected Tree:** Any existing tree with a DBH of six (6) inches or greater that has any portion of its trunk within a Tree Yard at grade level. Invasive Species (as defined herein) shall not be considered Protected Trees.

2.6 Reviewing Agent: Any agent delegated in writing by the Board of Selectmen or Town Administrator to administer and implement this Tree Protection Bylaw.

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

2.8 Tree Protection & Mitigation Plan: A plan submitted to the Reviewing Agent for approval prior to the commencement of demolition and/or construction on any property on which a Protected Tree is located.

2.9 Tree Removal: The mechanical destruction or demolition of a living tree, or any act (a) that has caused a tree to die within the previous 12 months or (b) is likely to cause significant decline or death as determined by the Reviewing Agent.

2.10 Tree Save Area: 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. This area is represented by a concentric circle centering on the tree's trunk and extending outward toward the tree's dripline. The minimum Tree Save Area shall be determined by multiplying the tree's DBH (in inches) by twelve (12) inches, with the product constituting the required minimum Tree Save Area.

2.11 Tree Yard: The minimum front, side and rear yard setback area of a parcel in a residential zoning district as specified in Town of Brookline Zoning Bylaw Section 4.07, Table of Use Regulations.

8.37.3. 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 contributions collected per Section 5.2(b) of this Tree Bylaw shall be deposited in the Tree Fund, and shall be used solely for the purpose of buying, planting and maintaining trees within the residential neighborhoods of the Town.

#### 8.37.4. SCOPE AND APPLICABILITY

4.1 Within all residential districts of the Town, it is prohibited to remove a protected tree during construction or within 24 months prior to application for a demolition or building permit for: (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 by 50% or greater, as defined by Town of Brookline Zoning Bylaw Section 2.07 1.

4.2 The requirements of this Tree Bylaw shall not apply to: (a) The subdivision of land under Town of Brookline Subdivision Rules and Regulations; (b) Those areas of property under the jurisdiction of the Wetlands Protection Act (Chapter 131 and 310 CMR); (c) Public Shade Trees pursuant to M.G.L. Chapter 87; (d) Emergency projects necessary for public safety, health and welfare, as determined by the Reviewing Agent or the Town's Tree Warden; (e) Trees severely damaged as the direct result of a natural disaster; (f) Trees that are hazardous as determined and confirmed in writing by a Certified Arborist; or (g) Trees currently infected by a disease or insect infestation of a permanent nature, as determined and confirmed in writing by a Certified Arborist.

### 8.37.5. TREE PROTECTION & MITIGATION

5.1 Protection: Each Protected Tree to be retained on property that is planned for demolition and/or construction activity shall be protected by the establishment of a marked-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 documentation, prepared, dated and signed by a Certified Arborist, 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 commences.

5.2 Mitigation: The removal of a Protected Tree(s) from a property in connection with one or more of the circumstances set forth in Section 4.1 shall require mitigation based upon the aggregate DBH of Protected Trees removed. Mitigation shall be achieved by satisfying one or a combination of the following provisions:

(a) Replanting of Trees: For each inch of DBH of Protected Tree(s) removed, no less than one-half inch of caliper of new tree(s) shall be replanted subject to and in accordance with the following: (1) Each new tree must have a minimum caliper of at least four (4) inches; (2) Such replanting, 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, 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 By-law;

(b) Contribution to the Town of Brookline Tree Preservation Fund: The Reviewing Agent in consultation with the Planning Board shall establish a Tree Fund contribution schedule, subject to approval by the Board of Selectmen, assigning a value per inch of DBH of Protected Tree(s) to be removed and not otherwise mitigated, which shall be not less than \$500.00 per inch of DBH. Tree Fund contributions shall be received by the Town prior to the issuance of a demolition or building permit. Mitigation measures shall be detailed in the submitted Tree Protection and Mitigation Plan. 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 that is not identified on the Tree Protection & Mitigation Plan shall require mitigation at the rate specified in Section 5.2. In addition, any person removing any Protected Tree not identified on the Tree Protection & Mitigation Plan in violation of this bylaw shall be subject to a fine of \$300 per Protected Tree, per day, until the mitigation required under Section 5.2 of this By-law is complete, and no demolition or building permit shall be issued for the subject property for at least two (2) years from the date of such mitigation completion.

5.4 Plan Review and Permit Issuance:

(a) Tree Protection & Mitigation Plan Submittal: Prior to the issuance of a permit in connection with one or more of the circumstances set forth in Section 4.1 on property on which a Protected Tree is located or was located within twelve (12) months prior to

application, the owner of the property shall submit a Tree Protection & Mitigation Plan to the Reviewing Agent along with the applicable application and fee.

(b) Tree Protection & Mitigation Plan Requirements: The submitted Tree Protection & Mitigation Plan shall be a to-scale survey or site plan that indicates the applicable Tree Yard, existing improvements, proposed construction, Protected Trees, Tree Save Area and preservation and maintenance procedures in accordance with the Rules and Regulations in effect at the time. It must also specify any tree removals and proposed mitigation measures per Section 5.2. All such plans must be prepared, stamped, dated and signed by a registered land surveyor or licensed architect.

(c) Re-Submittal: If demolition or construction 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 construction, an amended Tree Protection & Mitigation Plan shall be submitted identifying any changes from the previous plan and associated mitigation measures.

(d) Reviewing Agent Action: If the Tree Protection & Mitigation Plan is consistent with the protection and mitigation requirements contained herein and any established Rules and Regulations, and applicable Tree Fund contributions have been submitted, the Reviewing Agent may issue any applicable permit or notify the appropriate Town Department. If the proposal does not meet or satisfy these requirements, the Reviewing Agent shall notify the applicant and the appropriate Town Department, and no permit(s) shall be issued until the requirements are met. If the Reviewing Agent fails to act on 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 Replanted 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 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) Replanted Trees: All new trees planted to mitigate the removal of Protected Tree(s) 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 Replanted Tree at installation; such replacement tree shall be planted within nine (9) months of the death or serious decline of the original Replanted Tree.

#### 5.6 Minimum Tree Maintenance or Planting Requirement:

Notwithstanding any provision of this Tree Protection By-law, the owner or developer of any residential or commercial lot who applies for and receives a demolition or building permit for: (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 by 50% or greater, shall be required as a condition of such permit to maintain and/or plant a minimum of 5 inches DBH of tree per 1,000 square feet of such lot.

#### 8.37.6. ADMINISTRATION

6.1 **Enforcement:** The Building Commissioner is hereby authorized to enforce all of the provisions of the Tree Preservation Bylaw.

6.2 **Appeals:** Any person who is aggrieved by refusal, order, or decision of the Reviewing Agent or Building Commissioner under this Tree Bylaw may appeal to the Zoning Board of Appeals within 20 days from the date of such refusal, order, or decision.

#### 5.11.7. RULES AND REGULATIONS

The Planning Board may promulgate or amend Rules and Regulations which pertain to the administration of this Tree Bylaw, and shall file a copy of said rules in the office of the Town Clerk. Such rules may prescribe 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.

**And**, to amend Article 10.3 of the Town's Non-Criminal Disposition Bylaw by adding the following: Table of Specific Penalties under Article 10.3:

Article 8.37 Tree Preservation By-law:

For each violation: \$300.00 per Protected Tree, per day, until mitigation required under Article 8.37 is complete.

Or act on anything relative thereto.

#### **ARTICLE 18**

**Submitted by:** Michael A. Burstein, TMM12

To see if the Town will vote to amend the Town's General By-Laws and Zoning By-Law as follows:

Replace the word "Selectmen" in all places in the bylaws where it appears with the word "Selectwomen";

and replace "Selectman" in all places in the bylaws where it appears with the word "Selectwoman".

Or act on anything relative thereto.

**ARTICLE 19**

Submitted by: Alex Coleman

To determine whether the Town will:

(a) amend the Town By-laws to substitute the term “board of selectmen” with the term “select board” and the words “selectman, selectmen, selectwoman, or selectwomen” with the words “select board member(s)” or “member(s) of the select board” in each and every place they appear in the Town By-laws and in all currently active and future Town documents and communications, and

(b) amend the Town By-Laws to require the use of gender-neutral language in all currently active and future Town documents and communications.

Or act on anything relative thereto.

**ARTICLE 20**

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

**TO SEE IF THE TOWN WILL VOTE TO ADOPT THE FOLLOWING RESOLUTION:**

**RESOLUTION TO SUPPORT THE ESTABLISHMENT OF INDIGENOUS PEOPLES DAY IN BROOKLINE**

WHEREAS, Columbus Day has been celebrated unofficially since the early 18th century, and was officially made a federal holiday in 1937 to be celebrated on the second Monday of October, with M.G.L. Part I, Title I, chapter 4, section 7, clause 18 setting aside the second Monday of October as a Massachusetts state holiday, and M.G.L. Part I, Title II, chapter 6, section 12V providing that the Governor declare that day to be Columbus Day; and

WHEREAS, Columbus Day commemorates the landing of Christopher Columbus in the Americas specifically on the Caribbean islands of the Bahamas and Hispaniola (present-day countries of the Dominican Republic and Haiti) on October 12, 1492; and

WHEREAS, the first voyage of Columbus to the Americas initiated the transatlantic slave trade, journal entries from Columbus show his desire to enslave the Indigenous populations of the Caribbean, and he subsequently imprisoned and transported many hundreds of people to this end; and

WHEREAS, Columbus’ second voyage of 1493 was one of conquest, wherein seventeen ships were led by him to the New World, and his governorship of the Caribbean instituted systematic policies of slavery and extermination of Indigenous populations, especially the Taino/Arawak people whose population was reduced from approximately 8 million to 100,000 during Columbus’ reign, being further reduced by the continuation of his policies until near-extinction in 1542; and

WHEREAS, the example of the Taino/Arawak people is merely indicative of the policies of Columbus and his men, and all told some historians estimate that more than 15 million Indigenous persons were exterminated in the Caribbean Basin alone; and

WHEREAS, though the introduction of European diseases may account for some of these deaths, starvation and overt extermination policies were mostly to blame, and thus these atrocities cannot be reasonably attributed to forces outside of the control of European colonialists; and

WHEREAS, the devastation of Indigenous populations would lead to the kidnapping, deaths, and enslavement of tens of millions of African people, and the profound effects of the transatlantic slave trade and African diaspora continue to be felt to the present day; and

WHEREAS, the cultures of the Indigenous Peoples of the Americas are worthy of being promoted, their history is rich, diverse, and worthy of celebration, and the actions and policies of European colonizers of the Americas actively destroyed and suppressed parts of those cultures; and

WHEREAS, Indigenous Peoples of the lands that would later become known as the Americas have occupied these lands since time immemorial; and

WHEREAS, the Town of Brookline, Massachusetts (the “Town”) has a history of opposing racism towards Indigenous peoples in the United States, this racism serving to perpetuate high rates of Indigenous poverty and leading to inequities in health, education, and housing; and

WHEREAS, the Town wishes to honor our nation's Indigenous roots, history and contributions; and

WHEREAS, the State of Alaska and other localities including Seattle WA, Cambridge MA, Denver CO, Portland OR, Berkeley CA, and Albuquerque NM have adopted Indigenous Peoples Day as a counter-celebration to Columbus Day, to promote Indigenous cultures and commemorate the history of Indigenous Peoples; and

WHEREAS, Indigenous Peoples Day was first proposed in 1977 by a delegation of Native Nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

WHEREAS, in 1990, representatives from 120 Indigenous nations at the First Continental Conference on 500 Years of Indian Resistance unanimously passed a resolution to transform Columbus Day into an occasion to strengthen the process of continental unity and struggle towards liberation, and thereby use the occasion to reveal a more accurate historical record.

**NOW, THEREFORE, BE IT RESOLVED THAT TOWN MEETING URGES:**

1. The Board of Selectmen to establish that the second Monday of October henceforth be commemorated as Indigenous Peoples Day in Brookline, in recognition of the position of Indigenous Peoples as native to these lands, and the suffering they faced during and after the European conquest,

2. The people of Brookline to observe Indigenous Peoples Day by reflecting upon the dispossession of the homelands and villages of the Massachusetts people of this region, without which the building of the Town would not have been possible, and to celebrate the survival of Indigenous Peoples against all odds, and to celebrate the thriving cultures and values that Indigenous Peoples have brought and continue to bring to our Town and the wider community,

3. The Board of Selectmen to appoint an Indigenous Peoples Day Celebration Committee to develop and implement the Town's commemoration of Indigenous Peoples Day. This committee shall include representatives from the following: the Town's Commission for Diversity, Inclusion & Community Relations, the North American Indian Center of Boston, United American Indians of New England, Cultural Survival, IndigenousPeoplesDayMA, and other Indigenous representation as well as Brookline community representation from all segments of the community such as schools, non-profit organizations and businesses,

4. The Board of Selectmen or its designee to assist the Indigenous Peoples Day Celebration Committee with identifying and obtaining possible funding and resources necessary for the commemoration of Indigenous Peoples Day in the Town,

5. The Public Schools of Brookline to observe this day, with appropriate exercises and instruction in the schools around the time of Indigenous Peoples Day, to the end that the culture, history and diversity of Indigenous Peoples be celebrated and perpetuated,

6. The Board of Selectmen to encourage businesses, organizations, and public institutions to recognize and observe Indigenous Peoples Day, and

**BE IT FURTHER RESOLVED** that the Town Clerk shall ensure that the Massachusetts Commission of Indian Affairs, North American Indian Center of Boston, IndigenousPeoplesDayMA.org, United American Indians of New England, Massachusetts Center for Native American Awareness, the Mashpee Wampanoag Indian Tribal Council, the Wampanoag Tribe of Gay Head (Aquinnah), the Nipmuc Nation Tribal Council (including the Hassanamisco and Natick), the Assonet Band of Wampanoags, the Chappaquiddick Wampanoags, the Chaubunagungamaug Nipmuc, the Pocasset Wampanoag, the Ponkapoag, and the Seaconke Wampanoag, all of which include descendants of those people indigenous to Massachusetts, as well as the Brookline School Committee and Brookline TAB, receive a suitably engrossed copy of this Resolution. Or take any action relative thereto.

#### **SOURCES for WHEREAS clauses**

Columbus Day has been celebrated unofficially:

<http://www.history.com/topics/exploration/columbus-day>

The first voyage of Columbus to the Americas also initiated the transatlantic slave trade:

A People's History of the United States, Howard Zinn, 1980

([http://library.uniteddiversity.coop/More\\_Books\\_and\\_Reports/Howard\\_Zinn,\\_A\\_peoples\\_history\\_of\\_the\\_United\\_States.pdf](http://library.uniteddiversity.coop/More_Books_and_Reports/Howard_Zinn,_A_peoples_history_of_the_United_States.pdf))

Columbus' second voyage of 1493 was one of conquest: Indians are Us?, Ward Churchill, 1994

The example of the Taino/Arawak people: A Little Matter of Genocide, Ward Churchill, 1997

though the introduction of European diseases: Indians are Us?, Ward Churchill, 1994

the devastation of Indigenous populations: The Indigenous Peoples' History of the United States, Roxanne Dunbar-Ortiz, 2014

Other localities: [Wikipedia.org/wiki/Timeline-for-support-for-Indigenous-Peoples%27-Day](https://en.wikipedia.org/wiki/Timeline-for-support-for-Indigenous-Peoples%27-Day), last edited November 10, 2016

Indigenous Peoples' Day was first proposed: Wikipedia, op cit in 1990, representatives: Wikipedia, op cit

## **ARTICLE 21**

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

### **A Resolution to Honor John Wilson**

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, John W. Wilson (1922 – 2015) was a nationally celebrated artist whose work is included in many major museums and his *Bust of Martin Luther King, Jr.* graces the Rotunda of the U.S. Capitol;

WHEREAS, born in Roxbury to recent immigrants from British Guiana (now Guyana), he showed superior artistic talent at an early age and despite racial barriers, he received a scholarship to the School of the Museum of Fine Arts, graduating with highest honors;

WHEREAS, he went on to study education at Tufts University graduating in 1947 with a bachelor's degree, and art in France and Mexico before joining the faculty of Boston University and rising to full professor;

WHEREAS, he studied under the modern artist Fernand Léger in Paris and Karl Zerbe at the Museum School in Boston, and was part of a group that later became known as Boston Expressionists;

WHEREAS, John Wilson and his family, despite initially encountering racial bias finding a home, lived in Brookline for more than 50 years;

WHEREAS, John Wilson's work embodies the emotion and perspective of life as a black man—a view rarely expressed in mainstream American art at that time;

WHEREAS, John Wilson's magnificent bronze sculpture of the head of Martin Luther King, Jr. evokes the great leader's inspiration; and

WHEREAS, a group of engaged Brookline citizens think that it is fitting that, just as our nation's Capitol Rotunda features a work of Dr. King by John Wilson, so too should Town

Hall, the center of our local government, have an inspirational sculpture by same artist, an artist who lived his life just a few blocks away.

NOW, THEREFORE, BE IT

RESOLVED, that Town Meeting call upon the people of Brookline to honor the life and legacy of longtime Brookline resident John Wilson;

RESOLVED, that Town Meeting, representing the people of the Town of Brookline, honor John Wilson by supporting the installation of his sculpture of Martin Luther King, Jr. in the Town Hall lobby; and

RESOLVED, that Town Meeting encourage the School Committee to include the art and story of John Wilson where appropriate in its curriculum.

Or take any other action relative thereto.

## **ARTICLE 22**

Submitted by: Neil Gordon, TMM1

### **To see if the Town will adopt the following Resolution:**

1. WHEREAS: starting in the 1970's the USA, "land of the free," began a steadily "progressing" incarceration addiction -- fueled by (bipartisan) political fear-mongering, "retribution," and racial bias, culminating now with 5% of the world's population but 25% of its inmates. Many consider this the most important civil rights issue of our generation.
2. WHEREAS: Our Commonwealth now incarcerates at five times the '70's rate, most inmates costing near \$50,000/year but more for aging inmates long past likely recidivism -- now over \$1 billion a year. MA's incarceration rate is 2.5x Spain's, 3x Canada's, over 5x Germany's, & 7x Japan's. Only 6 countries are higher (Cuba, Russia, Thailand, Panama, Azerbaijan, El Salvador) Meanwhile, our state and local governments -- and crime prevention social services (including prisons) -- are shockingly underfunded.
3. WHEREAS: Our elected DA's have never wavered from supporting the foregoing trends or from opposing all meaningful sentencing reform; and often tout MA's lesser incarceration rate than most states -- i.e., we're among the best of the worst;
4. WHEREAS: US Criminal "Justice" ("C/J") racial disparities are especially horrific, and with "collateral consequences" for families and communities of color. MA's incarceration rate for Blacks being *eight times* Whites'; Hispanics *five times*.
5. WHEREAS: across the US, many (blue & red) states embrace "Smart on Crime" resources prioritizing crime prevention -- by reducing jail spending (for excessive "retribution") with no public safety purpose. Texas by 2014 closed three prisons, reducing 6% its 2009 jail rate; Connecticut by 2016 closed 3 prisons, lowering inmates from near 20,000 in 2008 to under 15,600; even Louisiana will soon reduce inmates by 10% -- & save \$262 million over the next decade.
6. WHEREAS: Mandatory-Minimum sentences ("man/min's"), with zero evidence they deter crime, and which in fact impede in-prison and post-release treatment, have

proliferated for 4 decades, though merely shifting discretion from judges in open court to prosecutors behind closed doors -- who decide the charges and the plea bargains (coercing trial waivers).

7. WHEREAS there are now many reform bills, including the long-awaited (Gov-Speaker-Sen.Pres) “consensus” bill from Council on State Government “Justice Re-Investment” project (*Act Implementing the Joint Recommendations of the [MA C/J] Review*) with some worthwhile tinkering, but zero “front-end” reform, e.g. sentencing or “diversion” (for less serious offenders to stay out of court and not get CORI records); i.e., no serious “Re” in its “Re-Investment.”
8. WHEREAS some other good bills propose “trees” reforms, like for drug man/min’s, none address the Big Picture Forest -- like non-drug man/min’s, (even bigger) sentencing reform, or far wider procedures for diversion. And, while drug man/min’s are the most insidious, they’re a “low-hanging fruit” of mass incarceration, which is mostly property and “violent” (e.g. from “serious” to kicking somebody while “shod with” sneakers) crime. And, the worst man/min racial disparities are for guns -- about 80% being minorities! (Yes, some may need jailing, but who, how much, and who -- DA or judge --decides, and, should they have no treatment?)
9. WHEREAS: US and MA public opinion polls show strong preference for rehabilitation, drug and mental health treatment, and police -- over jails and prisons; and a burgeoning grassroots-community movement -- including religious groups -- has been pushing for sentencing reform, racial justice, diversion, and Smartness-on-Crime; and
10. WHEREAS: The Mass. Sentencing Commission -- reconstituted by Gov. Patrick late 2014 -- under M.G.L. c. 211E is (A) mandated to propose (1) sentencing reform guidelines by legislation, and (2) other sentencing-related legislation (e.g. diversion); and (B) authorized to propose legislation circumventing man/min’s, e.g. by Safety Valves. But after much hard work it has -- unlike the 1994 Commission -- focused only on changing the current “administrative” Guidelines (“consulted” in superior court, so having far less impact, none in district courts).

NOW, THEREFORE BE IT RESOLVED that Brookline by vote of its elected T/Mtg URGES:

- A. *Sentencing reform* and *diversion* much broader than the now pending statehouse bills - - with appropriate procedures for prosecutors’ input and appeals when dissatisfied -- including:
  1. shifting to prevention significant amounts of our wasteful, criminogenic \$1billion+/year now for warehousing inmates (many being minorities, still-formative youths, or aging);
  2. to allow some defendants -- e.g. for misdemeanors and lesser felonies --to avoid court, get needed treatment (hopefully with more resources from #1), and keep clean their CORI’s;
  3. for more man/min’s than drug crimes, some “Safety Valves” -- with criteria for judges to depart downward, and allowing DA’s to then appeal; and
  4. including from the Sentencing Commission under G.L. c. 211E, legislatively mandated (to consult) Sentencing Guidelines -- including such broad but tightly

defined man/min Safety Valves and also diversion-- that (per USSCt caselaw) are only advisory to follow.

**B.** And, the Board of Selectmen to (1) promptly convey this to our legislative delegation, all statewide elected officers, and Chief Justice Gants; and (2) designate a member of the Diversity Commission to keep both boards informed about ongoing, future General Court developments.

**, or act on anything relative thereto.**

**ARTICLE23**

Reports of Town Officers and Committees

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

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 5th day of September 2017.

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BOARD OF SELECTMEN



**BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, November 14, 2017 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.**

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CONSTABLE

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DATE