

# TOWN OF BROOKLINE



## MINUTES SPECIAL TOWN MEETING NOVEMBER 14, 2017

# **MINUTES OF THE SPECIAL TOWN MEETING OPENING SESSION**

**NOVEMBER 14, 2017**

Pursuant to the Warrant of the Board Selectmen, served according to law upon the inhabitants of the Town of Brookline by a Constable of said Town and pursuant to Section 2.1.5 (Notice of Meetings) of the General By-laws of the Town of Brookline, and written notices sent by the Board of Selectmen, at least fourteen days before the meeting to the Town Meeting Members qualified to act in Town Meetings in Brookline under the provisions of Chapter 43A of the General Laws of the Commonwealth, as amended, and accepted by the Town of Brookline on March 10, 1942, the Town Meeting Members, so qualified, met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Tuesday, November 14, 2017 at 7:00 P.M.

Lists of the duly qualified Town Meeting Members were used at the entrances to the meeting place and were in the charge of Checkers, who were appointed by and sworn to the faithful performance of their duties by the Town Clerk. These lists contained the names of two-hundred forty-seven (247) Town Meeting Members qualified to vote in Town Meetings in Brookline.

No Town Meeting Members were allowed within the rails until they signed the check-in lists.

At three minutes past seven o'clock, the Checkers reported that one hundred and thirty-five (135) signatures of Town Meeting Members had been checked, or more than one-half of all qualified Town Meeting Members, and the Town Clerk reported to the Moderator that a quorum was present.

The meeting was called to order by the Moderator Edward N. Gadsby, Jr. – TMM #AL and he acknowledged the proper posting of the Warrant.

The first verse of the Star Spangled banner, led by James M. Slayton - TMM #7, was sung by the audience.

The Moderator made several announcements concerning seating, donations to the Food Pantry, and the order of the Warrant, including the combination of several articles for debate and voting.

Upon motion made by Thomas John Vitolo, TMM #6 and duly seconded, it was UNANIMOUSLY,

VOTED: To have Article 21 as the first order of business of the Adjourned Session, to be held on Wednesday, November 15, 2017.

Upon motion of Patricia A., Connors – TMM #3, and duly seconded it was UNANIMOUSLY

VOTED: To have Article 20 as the second order of business of the Adjourned Session, to be held on Wednesday, November 15, 2017.

Upon motion of Neil Wishinsky – TMM #AL, and duly seconded it was UNANIMOUSLY

VOTED: To have Articles 10 through 15, and Article 1 of the Second Special Town Meeting, called for 8:00 PM, Tuesday November 14, 2017 (the Hancock Village Articles) to be heard after Articles 20 and 21 during the Adjourned Session, to be held on Wednesday, November 15, 2017.

Upon motion of Joel A. Feingold – TMM #1, the following was MOVED

MOVED: That Article 9 be heard after the completion of the Hancock Village Articles during the Adjourned Session, to be held on Wednesday, November 15, 2017.

Select Board Member Benjamin J. Franco – TMM #AL, spoke in opposition to the motion raising concern that allowing late filed amendments to be deferred for consideration would be a bad precedent to set for Town Meeting by endangering the orderly and predictable fashion of considering the Articles. Select Board Member Benjamin Franco – TMM #AL urged NO ACTION deferring Article 9 until Wednesday evening.

Joel A. Feingold – TMM #1, stated that to single out this particular motion is unfair and urged FAVORABLE ACTION on his motion.

Moderator Edward N. Gadsby, Jr. – TMM #AL, addressed recommendations offered by several Town Meeting Members who offer an alternative to the supplemental mailing rule and the 24 hour rule for motions. Moderator Gadsby stated that, while he was not inclined to change the rules, since the rules have worked well in the past, he did ask for a show of hands from Town Meeting as to how many Town Meeting Members are attentive to his informational and instructive emails on the Town Meeting List Serve. Moderator Gadsby, after the hand count, stated that he would consider this issue for future Town Meetings.

Moderator Edward N. Gadsby, Jr. – TMM #AL, proceeded to swear-in the following Town Meeting members as Tellers:

For the Left:

John Bassett – TMM #6  
Jonathan J. Margolis - TMM #7

For the Center:

Thomas John Vitolo – TMM - #6  
Diana Lees Spiegel – TMM #2

For the Right:

Andrew M. Olins – TMM #5  
Janice S. Kahn – TMM #15

Upon motion of Joel A. Feingold – TMM #1, and duly seconded, the following motion was DEFEATED by a COUNTED VOTE OF 84 IN FAVOR AND 89 OPPOSED

MOVED: That Article 9 be heard after the completion of the Hancock Village Articles during the Adjourned Session, to be held on Wednesday, November 15, 2017.

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FIRST ARTICLE

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.

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Upon motion of John Doggett – TMM #13 and seconded by Heather Hamilton – TMM #AL, it was UNANIMOUSLY

VOTED: That NO ACTION be taken under Article 1.

SECOND ARTICLE

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.

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Upon motion of Nancy S. Heller – TMM #AL and seconded by Sean M. Lynn-Jones – TMM #1, it was UNANIMOUSLY

VOTED: That NO ACTION be taken under Article 2.

THIRD ARTICLE

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.

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Bernard W. Greene – TMM #AL, for the Select Board, urged favorable action on the vote offered by the Select Board.

At 7:30 P.M., upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM, and convene the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM.

Upon motion made and duly seconded it was UNANIMOUSLY

VOTED: To defer consideration of Article 1 of the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM until after Article 5 of the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM.

At 7:32 P.M., upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM, and re-convene the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM.

At 7:33 PM, the Moderator called the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM, to order.

John Doggett – TMM #13, for the Advisory Committee, urged favorable action on the vote offered by the Select Board.

Upon motion of Select Board Member Bernard W. Greene – TMM #AL, and seconded by John Doggett – TMM #13, a Two-Thirds vote required, it was by a COUNTED VOTE OF 214 IN FAVOR AND 1 OPPOSED

VOTED: That the Town:

1. Amend the FY2018 budget as shown below and in the attached Amended Tables I and II:

ITEM #	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
2. Human Resources	\$686,579	(\$20,000)	\$666,579
5. Finance	\$3,262,446	\$127,431	\$3,389,877
6. Legal Services	\$972,934	\$20,000	\$992,934
8. Town Clerk	\$632,331	(\$80,000)	\$552,331
21 Schools	\$104,710,912	\$47,431	\$104,758,343

2. 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 and to meet the appropriation authorize the Treasurer, with the approval of the Selectmen, to borrow \$340,000 under General Laws, Chapter 44, section 7 as amended, or pursuant to any other enabling authority.
  
3. 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 and to meet the appropriation authorize the Treasurer, with the approval of the Selectmen, to borrow \$320,000 under General Laws, Chapter 44, section 7 as amended, or pursuant to any other enabling authority.
  
4. Appropriate \$50,000 to implement Traffic Signal Prioritization on the MBTA's Green Line and to meet the appropriation transfer from the balance remaining in the appropriation voted under Article 8, Item 41 of the May, 2014 Annual Town Meeting.

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#### FOURTH ARTICLE

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

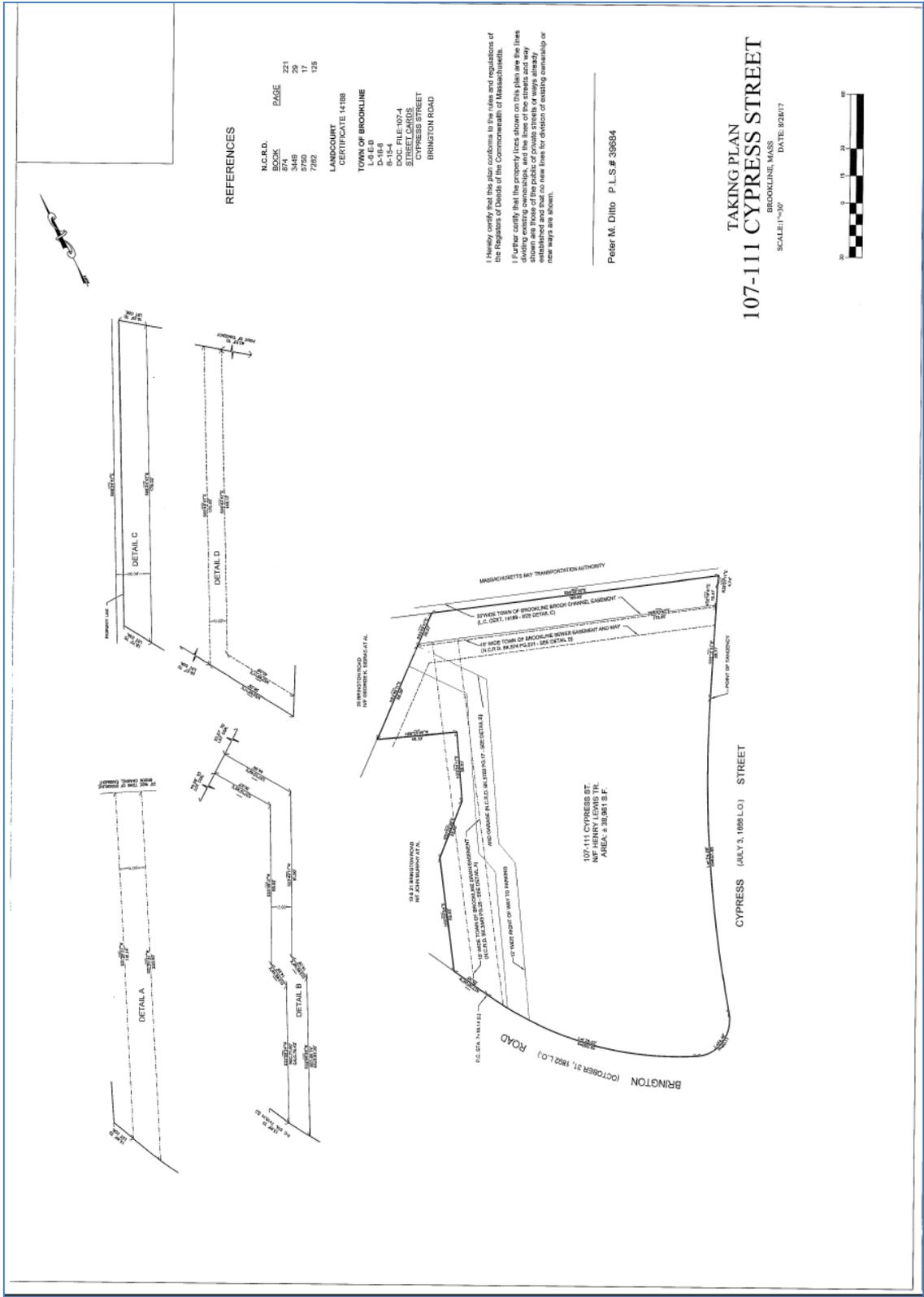
Thence turning and running N68-43-47W for one hundred seventy five and 65/100 feet (175.65') to land N/F of George K. Sioras

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)

Nancy S. Heller – TMM #AL, for the Board of Selectmen, Clifford M. Brown – TMM #14, for the Advisory Committee, and Kim Smith – TMM #6, representing the Brington Road residents, urged favorable action on the vote offered by the Select Board.

Several questions were asked by John Bassett – TMM #6, Janice S. Kahn – TMM #15, Jane C. Gillman – TMM #3, and Brian Hochleutner – TMM #6, concerning MBTA air rights, price increase, appraisal costs, leaving the easements in place, and whether the taking met the “necessary” requirement for a valid public purpose.

Upon motion of Select Board Member Nancy S. Heller – TMM #AL, and seconded by Clifford M. Brown – TMM #14, a Two-Thirds vote required, it was by a COUNTED VOTE OF 212 IN FAVOR, 1 OPPOSED, AND 2 ABSTENTIONS

VOTED: The Board of Selectmen is authorized 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; that the sum of \$16,400,000 is appropriated, 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 that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to M.G.L. c. 44, §7(1), or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor. The Selectmen are hereby authorized to apply for, accept and expend any grants from any source whatsoever that may be available to pay any portion of this project. Any premium received upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with Chapter 44, Section 20 of the General Laws, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount.

## **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



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FIFTH ARTICLE

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.

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Upon motion of Select Board Member Neil Wishinsky – TMM #AL and seconded by Carla Wyman Benka – TMM #13, it was UNANIMOUSLY

Voted: That NO ACTION be taken under Article 5.

At 8:00 P.M., upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM, and convene the Special Town Meeting, called for Tuesday, November 14, 2017 at 8:00 PM.

Upon motion and duly seconded, it was UNANIMOUSLY

VOTED: To defer Article 1 of the Special Town Meeting, called for Tuesday, November 14, 2017 at 8:00 PM, until after Article 15 of the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM.

At 8:01 P.M., upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Special Town Meeting, called for Tuesday, November 14, 2017 at 8:00 PM, and re-convene the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM.

At 8:02 PM the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM was called to order.

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FIRST ARTICLE

Submitted by: Mariah Nobrega, Dan Saltzman, Lauren Bernard

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 9<sup>th</sup> elementary school to be located at 490 Heath Street, or, in the alternative to re-appropriate the remaining balance previously appropriate 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 one or more additional elementary schools at a different location or locations and/or the expansion, replacement or substantial reconstruction of an existing school or schools, or act on anything relative thereto.

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Moderator Edward N. Gadsby, Jr. – TMM #AL, stated that the debate under this Article is not to be a debate about the relative merits or demerits of the school sites under consideration of the School Committee and the Select Board.

Mariah C. Nobrega – TMM #4 and co-petitioner, Daniel G. Saltzman – TMM #6 and co-petitioner, and Lauren Sara Bernard – TMM #8 and co-petitioner, urged favorable action on the vote offered by the Select Board.

Stanley L. Spiegel – TMM #2, raising a point of order, questioned the Moderator as to what is considered to be out of bounds when referring to site support.

Carla Wyman Benka – TMM #13, for the Advisory Committee; Neil Wishinsky – TMM #AL; David M. Pollak – TMM #11, Chair of the School Committee; Thomas O'Reilly, President of Pine Manor College; David Gacioch a resident of the Town and a member of the Ninth School Building Committee; and Thomas John Vitolo – TMM #6, urged favorable action on the vote offered by the Select Board.

Upon motion made and duly seconded, a Two-Thirds Vote required, the following motion was offered,

MOVED: To terminate debate and call the question.

Moderator Edward N. Gadsby, Jr. proceeded to read the names of the remaining people who had signed up to speak on this Article.

Upon motion made and duly seconded, a Two-Thirds Vote being required, it was,

VOTED: To terminate debate and call the question.

Upon motion of Carla Wyman Benka – TMM #13, and seconded by Select Board Member Neil Wishinsky – TMM #AL, it was by a COUNTED VOTE 208 IN FAVOR AND 2 OPPOSED

VOTED: That the Town re-appropriate up to \$1 million in funds 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, as follows: (1) \$300,000 for the purpose of further site evaluation services, including legal services, at the Baldwin/Pine Manor sites and site evaluation services, including legal services, at alternate sites, which shall include but not be limited to the Pierce School and adjacent properties, and the Baker School; (2) an additional \$400,000, for further feasibility study; and (3) a further additional \$300,000 (or a total of \$700,000 for feasibility studies), for further feasibility study on a multi-site solution should a multi-site solution be chosen. The evaluation and determination of a single-site or a multi-site solution prior to the expenditure of funds for feasibility studies referred to in (2) and (3) above shall include the options of constructing a new school and of demolishing, renovating, and expanding existing schools, with the determination of a single-site or multi-site solution made by the Board of Selectmen and School Committee with the advice of the Ad Hoc Subcommittee of the Advisory Committee, after evaluation information has been received by the Board of Selectmen, School Committee and Ad Hoc Subcommittee and publicly presented for discussion to the extent advised by Town Counsel.

At 8:53 PM, upon motion made and duly seconded, it was

VOTED: To dissolve the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:30 PM, and re-convene the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM.

At 8:54 PM the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM was called back to order.

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SIXTH ARTICLE

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.



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SEVENTH ARTICLE

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.



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EIGHTH ARTICLE

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.



Neil R. Gordon – TMM #1, and a member of the Select Board’s Committee on Senior Tax Policy; Benjamin J. Franco – TMM #AL, for the Select Board; Systke V. Humphrey – TMM #6, for the Advisory Committee; Francis G. Caro – TMM #10, and a member of the Select Board’s Committee on Senior Tax Policy, urged favorable action on the votes offered by the Select Board under Articles 6, 7 and 8.

Upon motion of Neil R. Gordon - TMM #1, and seconded by Select Board Member Benjamin J. Franco – TMM #AL, it was UNANIMOUSLY

VOTED: That the Town 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.

Upon motion of Neil R. Gordon - TMM #1, and seconded by Select Board Member Benjamin J. Franco – TMM #AL, it was UNANIMOUSLY

VOTED That the Town will 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.

Upon motion of Neil R. Gordon - TMM #1, and seconded by Select Board Member Benjamin J. Franco – TMM #AL, it was UNANIMOUSLY

VOTED: That the Town will 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;

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NINETH ARTICLE

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.

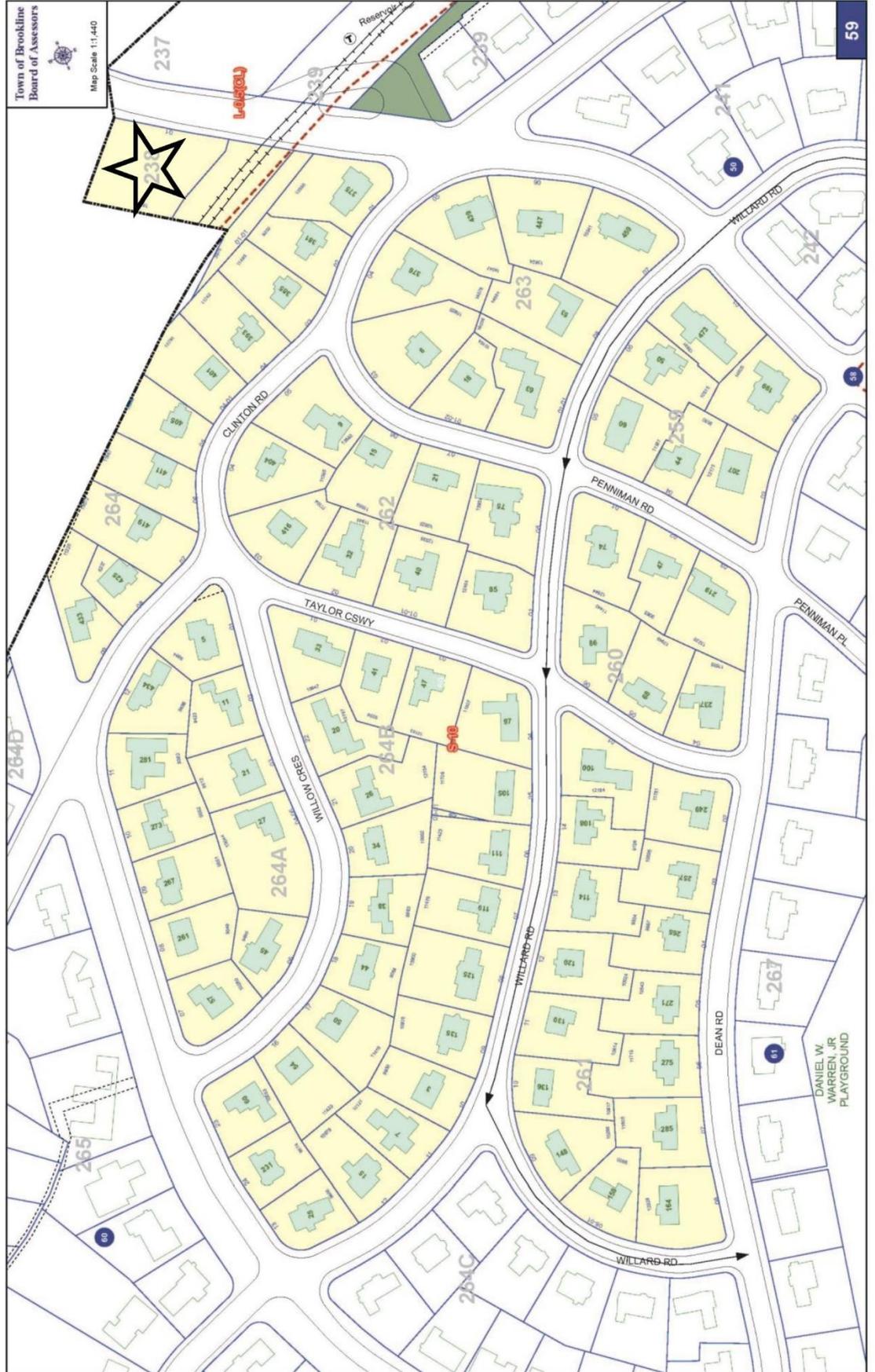
(c) A license granted under this section shall only be exercised in the dining room of a Common Victualler and in such other public rooms or areas as may be deemed reasonable and appropriate by the licensing authority as certified in writing.

(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.

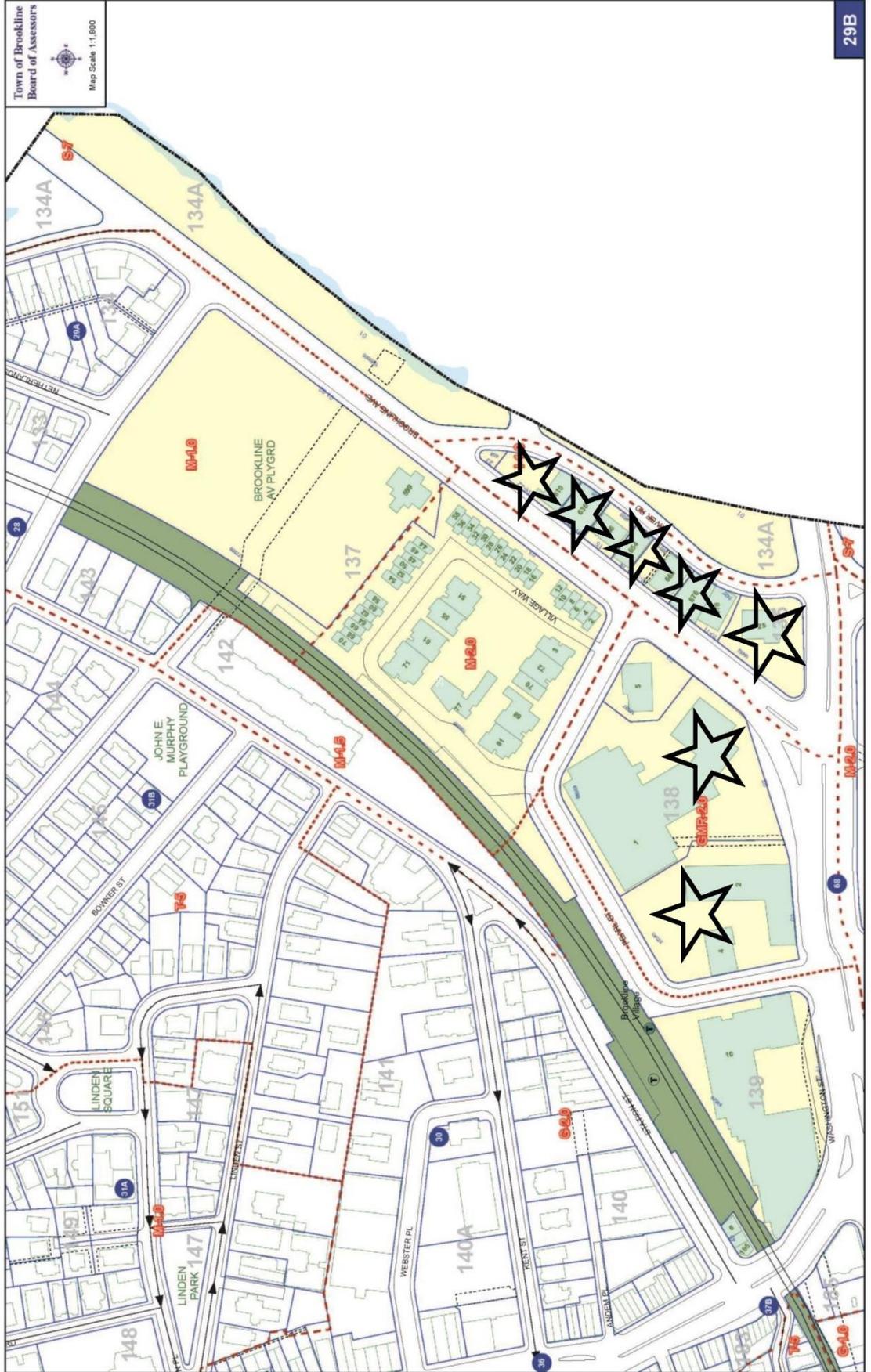
# MAP 1

★ Denotes lot receiving additional licenses



# MAP 2

★ Denotes lots receiving additional licenses



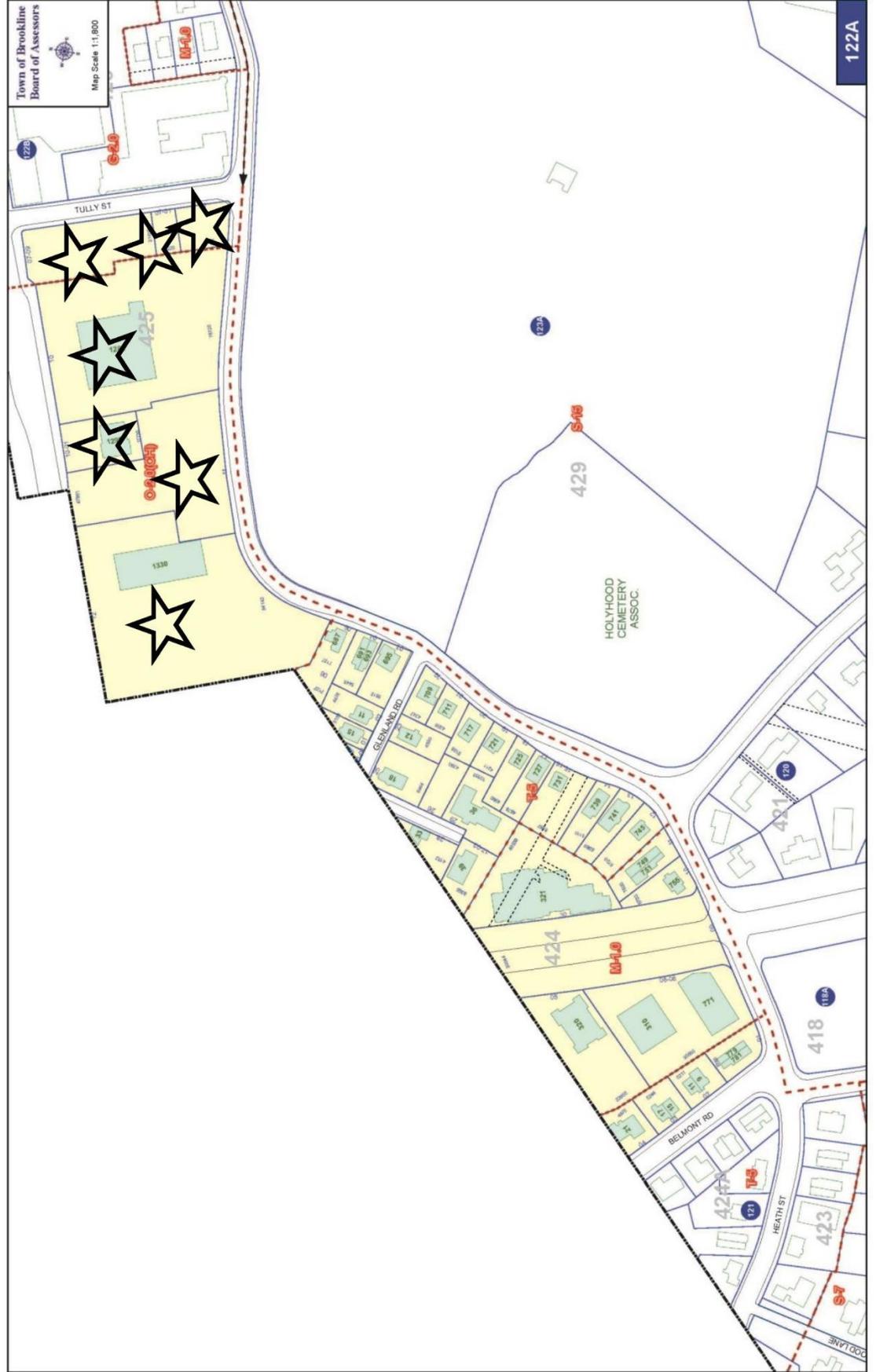
# MAP 3

★ Denotes lots receiving additional licenses



# MAP 4

★ Denotes lots receiving additional licenses



# MAP 5

 Denotes lot receiving additional licenses



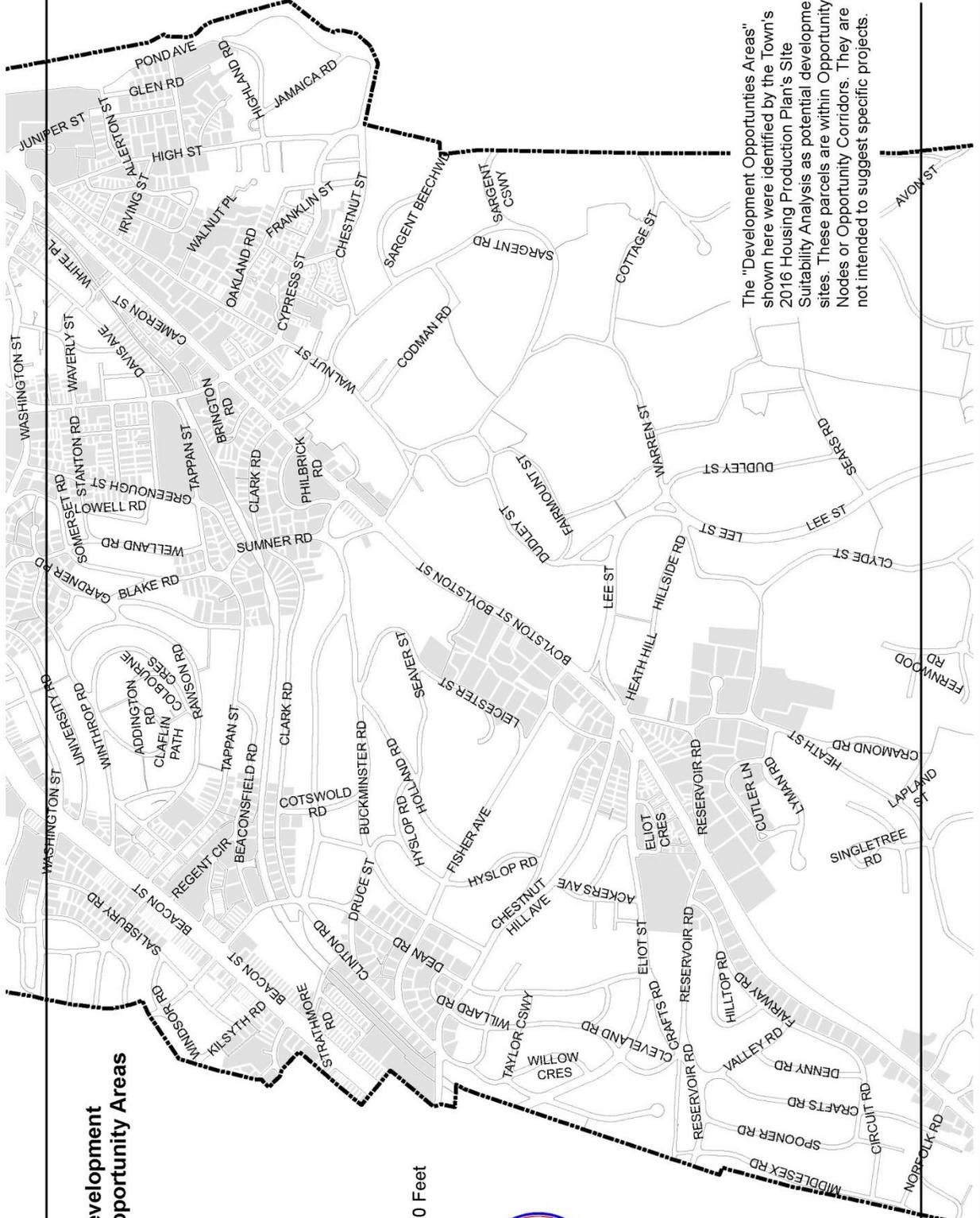


# Development Opportunity Areas MAP 6-B

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 Opportunity 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.



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.

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Benjamin J. Franco – TMM #AL, for the Select Board; Alisa G. Jonas - TMM #16, for the Advisory Committee; Deborah Miller, Executive Director for the Brookline Chamber of Commerce; and John Doggett – TMM #13 urged favorable action under the vote offered by the Select Board

Jonathan H. Davis – TMM #10 urged no action on the vote offered by the Select Board.

Janice S. Kahn – TMM #15, and Jonathan J. Margolis – TMM #7, asked several questions concerning process; why link the licenses to parcels; and how those parcels were determined.

Upon motion made and duly seconded, a Two-Thirds Vote required, the following motion was offered,

MOVED: To terminate debate and call the question.

Moderator Edward N. Gadsby, Jr. proceeded to read the names of the remaining people who had signed up to speak on this Article.

Upon motion made and duly seconded, a Two- Thirds Vote required, the following motion was DEFEATED,

MOVED: To terminate debate and call the question.

Paul A. Saner – TMM #13; and Joel A. Feingold – TMM #1 urged favorable action on the vote offered by the Select Board.

Regina M. Frawley – TMM #16; Betsy DeWitt – TMM #5; and Susan Granoff – TMM #7 urged no action on the vote offered by the Select Board.

Upon motion made and duly seconded, a Two-Thirds Vote required, it was,

VOTED: To terminate debate and call the question.

Upon motion of Select Board Member Benjamin J. Franco – TMM #AL, and seconded by Alisa G. Jonas – TMM #16, it was by a MAJORITY

VOTED: That the Town authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court (the new paragraph (e) is in **bold**):

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 location 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.

(e) If a licensee terminates or fails to renew a license granted under this section or if any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant at a parcel or

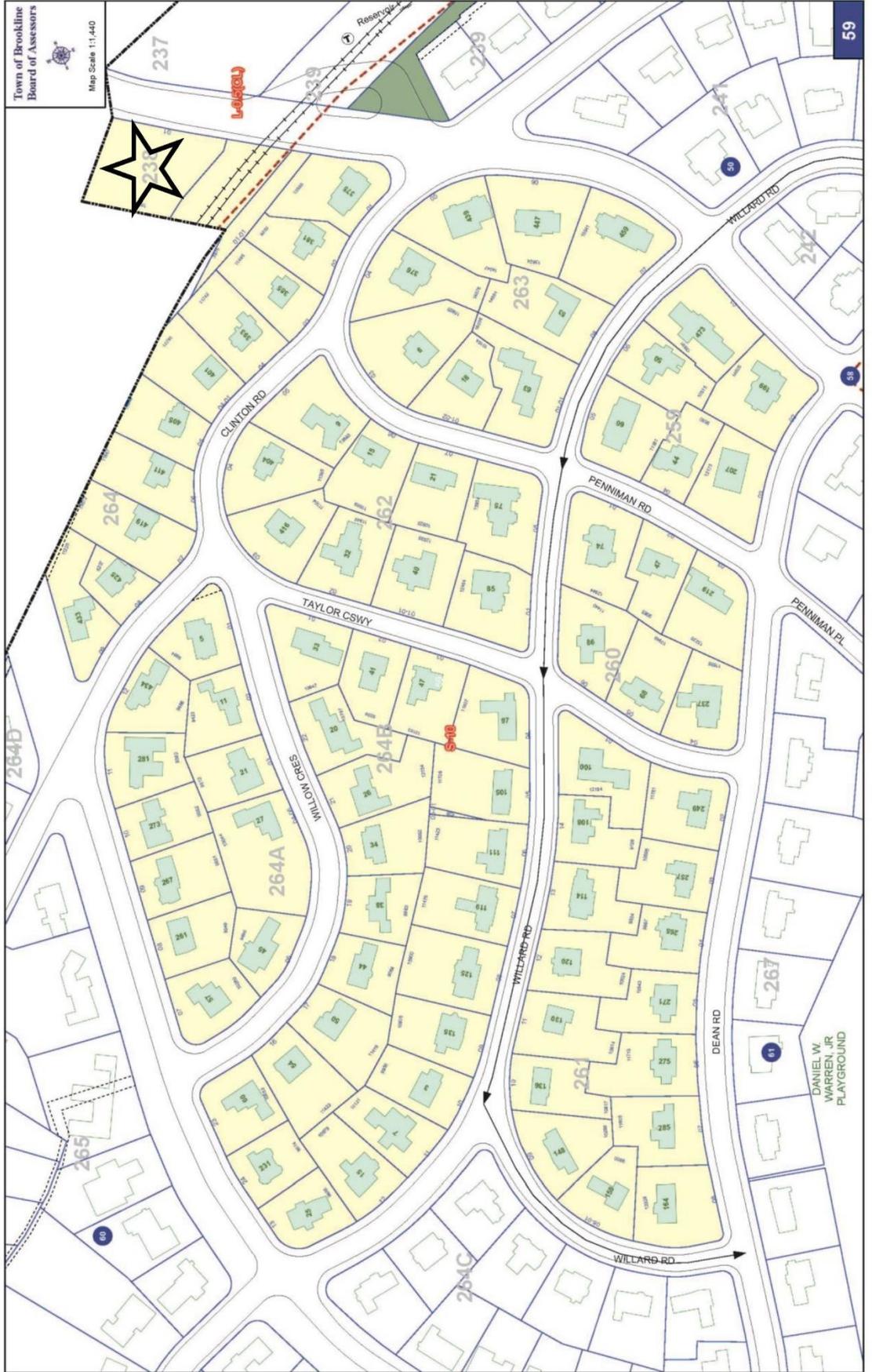
within the development opportunity areas under the same conditions as specified in this section.

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

The General Court may make such amendments as are within the scope of the general public objectives of this petition.

# MAP 1

★ Denotes lot receiving additional licenses





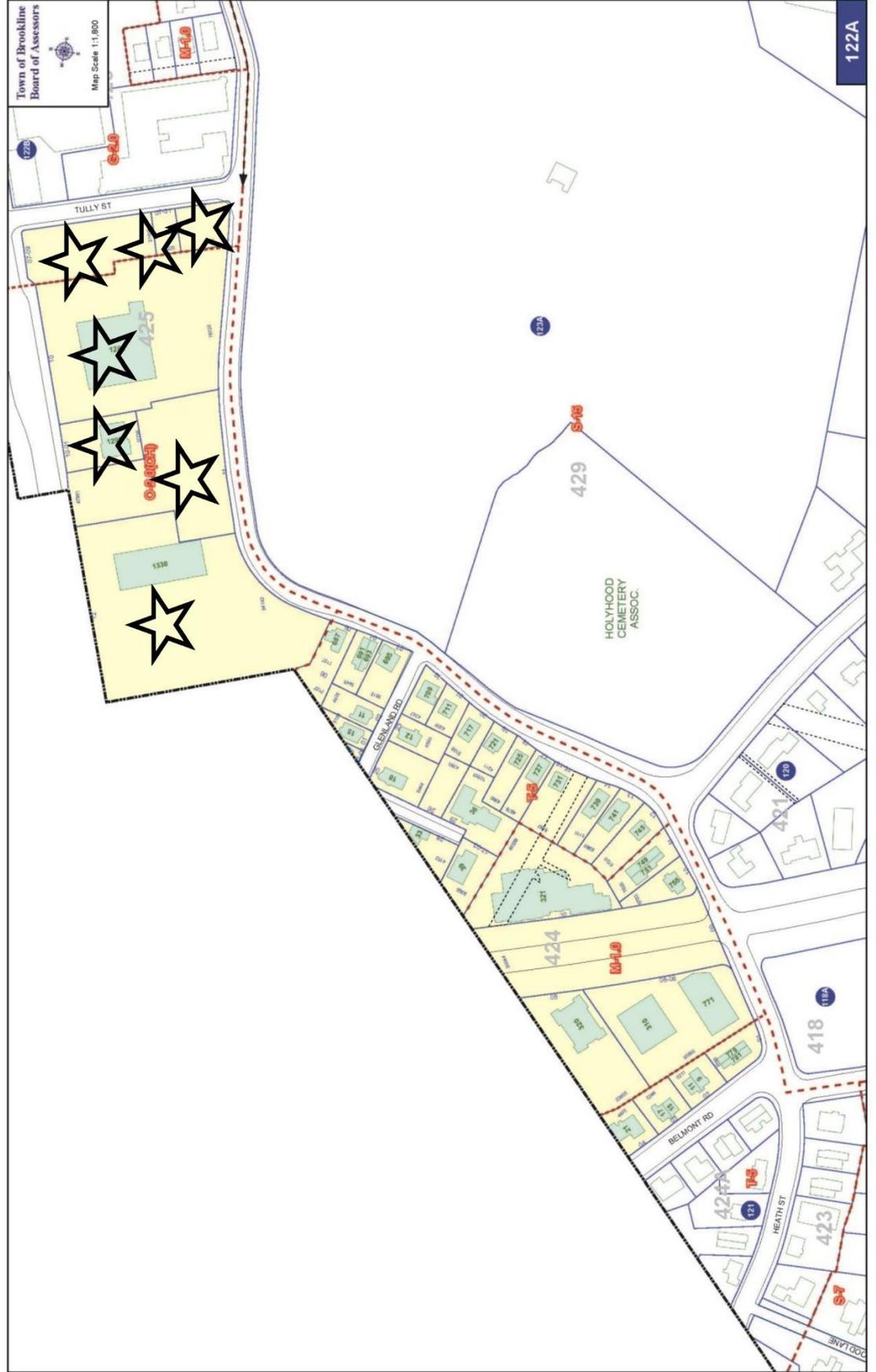
# MAP 3

★ 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



0 500 1,000 Feet



MAP 6-B  
MAP 6-C



The "Development Opportunity 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

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

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**



## SIXTEENTH ARTICLE

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.

---

Neil R. Gordon – TMM #1, for the Advisory Committee; Heather Hamilton – TMM #AL, for the Select Board; Betsy DeWitt – TMM #5, for the Committee on Town Organization and Structure; Dick Benka for the Committee on Town Organization and Structure; Francis G. Caro – TMM #10; and Michael A. Sandman – TMM #3, urged favorable action on the Advisory Committee’s motion to refer.

Upon motion of Neil R. Gordon – TMM #1, and Select Board Member Heather Hamilton – TMM #AL, it was by a COUNTED VOTE OF 160 IN FAVOR AND 3 OPPOSED

VOTED: To refer the subject matter of Article 16 to the Select Board, and to request that they present a report to the May 2018 Annual Town Meeting.

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SEVENTEENTH ARTICLE

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.

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NO ACTION was taken under this Article 17.

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EIGHTEENTH ARTICLE

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.

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NINETEENTH ARTICLE

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.

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Michael A. Burstein – TMM #12 and petitioner; Neil R. Gordon – TMM #1, for the Advisory Committee; and Anthony J. Naro – TMM #5 and member of the Commission on Diversity, Inclusion and Community Relations, urged favorable action on the main motions offered by the Advisory Committee under Articles 18 and 19.

Heather Hamilton – TMM #AL, for the Select Board, urged favorable action on the substitute motion offered by the Select Board under Article 18 and the main motion offered by the Advisory Committee under Article 19.

Upon motion of Select Board Member Heather Hamilton – TMM #AL, and duly seconded, the following substitute motion under Article 18 was DEFEATED

MOVED: To amend the Town’s general bylaws and zoning bylaw as follows:

Change the name of the Board of Selectmen to the “Select Board”, and to amend each of the Town’s General and Zoning By-laws to substitute the term “Select Board” for the term “Board of Selectmen”; to substitute the word “Select persons” for the word “Selectmen”; and to substitute the word “Select person” for the word “Selectman”; and further affirm that upon the effective date of such amendment, the term “Board of Selectmen” shall be taken to mean “Select Board” and the term “Selectmen” shall be taken to mean “Select persons” and the term “Selectman” shall be taken to mean “Select person” for the purposes of all laws, regulations, contracts, agreements or other documents that refer to or are applicable to the Town of Brookline.

Under Article 18, upon motion of Michael A. Burstein – TMM #12, and seconded by Neil R. Gordon – TMM #1, it was by a MAJORITY

VOTED: That the Town amend the Town’s General Bylaws and Zoning Bylaw as follows:

Substitute “Select Board” (a) for “Board of Selectmen” (and such variants as “BoS”, “BOS”, “Board of Selectman”), and (b) for “Selectmen” in contexts in which that term refers to the Select Board as a whole, acting as a board;

Substitute (a) “Select Board member” for “Selectman”, and (b) “Select Board members” for “Selectmen” in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board.

Under Article 18, upon motion of Michael A. Burstein – TMM #12, and seconded by Neil R. Gordon – TMM #1, it was by a COUNTED VOTE OF 155 IN FAVOR AND 2 OPPOSED

VOTED: That the Town amend the Town’s General Bylaws and Zoning Bylaw as follows:

Substitute “Select Board” (a) for “Board of Selectmen” (and such variants as “BoS”, “BOS”, “Board of Selectman”), and (b) for “Selectmen” in contexts in which that term refers to the Select Board as a whole, acting as a board;

Substitute (a) “Select Board member” for “Selectman”, and (b) “Select Board members” for “Selectmen” in contexts in which that term refers to one or more (or all) Selectmen individually but not to the entire Select Board acting as a Board.

Under Article 19, upon motion of Neil R. Gordon – TMM #1, and seconded by Sean M. Lynn-Jones – TMM #1, it was by a MAJORITY

VOTED: That the Town adopt the following resolution:

WHEREAS, the use of gender-neutral language by the Town can be expected to further enhance and demonstrate Brookline’s commitment to being an inclusive, diverse and welcoming community; and

WHEREAS, ever-increasing awareness exists that language matters, and in particular with regard to the subtle and not so subtle, and intended and unintended consequences of language, including implicit or explicit bias; and

WHEREAS, the Town has been a leader in issues relating to gender identity and expression, including in defining the Town’s protected classes; and

WHEREAS, there is ample precedent for and encouragement of the use of gender-neutral language by Massachusetts cities and towns; and

WHEREAS, linguistic conventions that differentiate and identify people by perceived gender may fail to respect the broad spectrum of sex, gender, gender identity, and gender expression living, working and visiting our community; now, therefore,

BE IT RESOLVED, that the term “Board of Selectmen” shall be taken to mean “Select Board,” the terms “Selectmen” and “Selectwomen” shall be

taken to mean "Select Board Members," and the terms "Selectman" and "Selectwoman" shall be taken to mean "Select Board Member," in all currently active and future documents and communications originated by the Town, unless the context demands otherwise; and

BE IT FURTHER RESOLVED, that the Town, including without limitation, its municipal officers, boards, committees and commissions, strive to use gender-neutral language, where appropriate and practicable, in all documents and communications pertaining to the business of the Town.

At 10:58 PM, upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To adjourn the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM, to Wednesday, November 15, 2017 at 7:00 PM.

ADJOURNED:

A T T E S T:

Patrick J. Ward

A handwritten signature in black ink, appearing to read "Patrick J. Ward", written in a cursive style.

Town Clerk