

TOWN OF BROOKLINE



MINUTES SPECIAL TOWN MEETING NOVEMBER 14, 2017

ADJOURNED SESSION

ADDENDUM TO THE MINUTES OF THE NOVEMBER 14, 2017 SPECIAL TOWN MEETING

First Name	Last Name	Keypad	Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
			1	3	5	6
C.	P01 Cavell	1	Yes	Yes	No	No
J.	P01 Cutler	2	Yes	Yes	No	Yes
E.	P01 Ercolino	3	Abstain	Yes	No	Yes
J.	P01 Feingold	4	Abstain	No	No	Yes
J.	P01 Franco	5	Yes	Yes	No	Yes
N.	P01 Gordon	6	Yes	No	No	Yes
H.	P01 Herman	7	Yes	Yes	No	Yes
C.	P01 Hillman	8			No	Yes
S.	P01 Lynn-Jones	9	Yes	Yes	No	No
A.	P01 Metral	10	Yes	No	No	Yes
P.	P01 Neuefeind	11	Yes	No	No	
B.	P01 Schram	12	Yes	No	No	No
R.	P01 Silbaugh	13	Yes	Yes	No	No
K.	P01 Sloane	14		No	No	Yes
C.	P01 Terrell	15	Yes	No	No	No
J.	P02 Englund	16	Yes	Yes	No	No
B.	P02 Hellerstein	17	Yes	Yes	No	Yes
J.	P02 Kidd	18				
L.	P02 Liss	19	Yes	Yes	No	Abstain
R.	P02 McNally	20	Abstain	Yes	No	No
B.	P02 O'Brien	21	Yes	Yes	Yes	Yes
L.	P02 Pehlke	22	Yes	No	Abstain	No
J.	P02 Piercy	23	Yes	Yes	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
S.	P02 Roberts	24	Abstain	Yes	Yes	No
L.	P02 Schachter-Kahl	25	Yes	Yes	Yes	No
J.	P02 Shreffler	26	Yes	Yes	Yes	No
D.	P02 Spiegel	27				
S.	P02 Spiegel	28				
C.	P02 Studdard	29	Yes	No	No	Yes
B.	P02 Wolff	30	Yes		No	Yes
D.	P03 Aronson	31	Abstain	Yes	No	Yes
K.	P03 Becker	32	Yes	Yes	No	No
H.	P03 Bohrs	33	Yes	Yes	No	Yes
P.	P03 Connors	34	Yes	No	No	No
Ma	P03 Dewart	35	Yes	Yes	Yes	No
Mu	P03 Dewart	36	Yes	Yes	Yes	No
D.	P03 Doughty	37	Yes	Yes	No	Yes
J.	P03 Gilman	38	Yes	Yes	No	No
L.	P03 Koff	39	Yes	Yes	No	Yes
D.	P03 Leka	40	Yes	Yes	No	No
M.	P03 Levene	41	Yes	No	No	Yes
M.	P03 Sandman	42		Yes	No	Yes
K.	P03 Scanlon	43	Yes		No	Yes
F.	P03 Steinfield	44	Yes	Yes	No	Yes
R.	P03 Stone	45	Yes	No	No	Yes
S.	P04 Axelrod	46		Yes	No	Yes
S.	P04 Boehs	47	Yes	Yes	No	No
A.	P04 Christ	48	Yes	Yes	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
M.	P04 Farlow	49	Yes	No	No	No
P.	P04 Frumkin	50	Yes	Yes	No	Yes
N.	P04 Gerdts	51	Yes	Yes		
K.	P04 Givens	52	Yes	No	No	No
Y.	P04 Johnson	53	Yes	No	No	No
J.	P04 Mulhane	54	No	No	Yes	Yes
M.	P04 Nobrega	55	Yes	No	No	No
J.	P04 Ortiz	56				
J.	P04 Shaw	57				
M.	P04 Siegel	58	Yes	No	No	No
V.	P04 Smith	59	Yes	No	Yes	No
R.	P04 Volk	60	Yes	Yes		
R.	P05 Allen	61		Yes	No	Yes
R.	P05 Daves	62	Yes	No	No	Yes
B.	P05 DeWitt	63		Yes		No
M.	P05 Gunnuscio	64	No	Yes	No	Yes
A.	P05 Hyatt	65	Yes	Yes	No	Yes
W.	P05 Machmuller	66	Yes	Yes	No	Yes
H.	P05 Mattison	67	Yes	Yes	No	Yes
R.	P05 Meiklejohn	68	Yes	Yes	No	Yes
F.	P05 Michaels	69	Yes	Yes	No	Yes
A.	P05 Naro	70	Yes	No	No	No
P.	P05 O'Leary	71				
A.	P05 Olins	72	Abstain	Yes	No	Yes
W.	P05 Reyelt	73	Yes	Yes	Abstain	Abstain

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C.	P05 Stampfer	74	Yes	Yes	No	Yes
E.	P05 Wurster	75	Yes	Yes	No	Yes
C.	P06 Anderson	76	Yes	No	No	Yes
J.	P06 Bassett	77	Yes	No		No
B.	P06 Bergstein	78	Abstain	Yes	Yes	Yes
A.	P06 Conquest	79	Yes	Yes	Yes	No
C.	P06 Dempsey	80	Yes	Yes	No	Yes
S.	P06 Englander	81	Yes	No	No	Yes
B.	P06 Hochleutner	82	Yes	Yes	No	Yes
S.	P06 Humphrey	83	Yes	Yes	No	Yes
V.	P06 LaPlante	84	Yes	No	Yes	No
C.	P06 Richmond	85	Yes	No	No	Yes
D.	P06 Saltzman	86		Yes	No	Yes
K.	P06 Smith	87	Yes	No		No
R.	P06 Sneider	88	Yes	No	Yes	No
A.	P06 Trecker	89	Yes	No	Yes	Yes
T.	P06 Vitolo	90	Yes	No	No	No
S.	P07 Cohen	91	Yes	Yes	No	
K.	P07 Duclos	92				
S.	P07 Ellis	93	Yes	No		
E.	P07 Frey	94	Yes	No	No	Yes
P.	P07 Giller	95				
S.	P07 Granoff	96	Yes	No	Yes	No
M.	P07 Gray	97	Yes	No	No	Yes
K.	P07 Hardebeck	98	Yes	No	No	Yes

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First Name	Last Name	Keypad	1	3	5	6
M.	P07 Levy	99	Yes	No	No	Abstain
J.	P07 Margolis	100		No	No	Yes
D.	P07 Pantalone	101	Yes	No	Yes	No
S.	P07 Provost	102	Yes	Yes	No	Yes
R.	P07 Shon-Baker	103	Yes	Yes	Yes	Abstain
J.	P07 Slayton	104				
I.	P07 Wapinski	105			No	
L.	P08 Bernard	106	Yes	No	Yes	No
C.	P08 Bolon	107	Yes	No	Yes	No
A.	P08 Cox	108	Yes	Yes	No	Yes
G.	P08 Crandell	109	Yes	Yes	No	
D.	P08 Goldstein	110	Yes	Yes		No
J.	P08 Harris	111	Yes	Yes	No	
A.	P08 Johnson	112		Yes	No	Yes
E.	P08 Loechler	113	Yes	No	No	Yes
H.	P08 Margolis	114	Yes	No	No	No
R.	P08 Miller	115	Yes	No	Yes	No
K.	P08 Poverman	116	No	Yes	No	Yes
B.	P08 Scotto	117	Yes	No	No	Yes
L.	P08 Sears	118	Yes	No		
M.	P08 Toomey	119	Yes	No	No	No
D.	P08 Weitzman	120	Yes	No	Yes	No
E.	P09 Bellis-Kates	121	Yes	No	Yes	No
L.	P09 Brooks	122	Yes	Yes	Yes	No
R.	P09 Fernandez	123	Yes	Yes	No	Yes

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First Name	Last Name	Keypad	1	3	5	6
P.	P09 Harris	124	Yes	No	No	Yes
N.	P09 Hinchey	125				
B.	P09 Jozwicki	126	Yes	No	No	Yes
J.	P09 Jozwicki	127	Yes	No	No	Yes
P.	P09 Katz	128				
R.	P09 Lepson	129	Yes	No	Yes	No
H.	P09 Rosenstein	130	Yes	No		No
M.	P09 Rosenthal	131	Yes	No		
C.	P09 Swartz	132	Yes	No	No	No
D.	P09 Tyndal	133	Yes	No		No
J.	P09 Vanderkay	134	Yes	No	No	No
G.	P09 White	135	Yes	Yes	No	Yes
M.	P10 Alperin	136	Yes	No	No	Yes
C.	P10 Ananian	137	Yes	No	Yes	No
C.	P10 Caro	138	Yes	No	No	Yes
F.	P10 Caro	139	Yes	Yes	No	Yes
J.	P10 Davis	140	Yes	Yes	No	No
L.	P10 Davis	141	Yes	Yes	No	No
H.	P10 Deak	142	Abstain	Yes		
B.	P10 Knable	143	Yes	Yes	No	Yes
D.	P10 La	144				
P.	P10 Lipson	145	Abstain	Yes	No	Yes
T.	P10 Scholnick	146	Yes	Yes	No	Yes
S.	P10 Shuman	147				
A.	P10 Spingarn	148	No	Yes		No

First Name	Last Name	Keypad	Article 20 - Main Motion 1	Article 22 - AC Substitute Motion 3	Article 10 - Motion for Referral 5	Articles 10 -14 Main Motion 6
N.	P10 Sweitzer	149	Yes	No	No	Yes
R.	P10 Wilson	150	Abstain	Abstain	No	Yes
C.	P11 Benedon	151	Yes	Abstain	No	Yes
S.	P11 Fischer	152				
S.	P11 Giora-Gorfajn	153	Yes	Yes	No	Yes
J.	P11 Goldsmith	154				
M.	P11 Gray	155	Yes	No	Yes	No
B.	P11 Jones-Dasent	156	Yes	Abstain	Abstain	Yes
D.	P11 Lescohier	157	Yes	Abstain	No	Yes
K.	P11 Lewis	158	Yes	Yes	No	Yes
D.	P11 Lowe	159	Yes	Abstain	No	Yes
R.	P11 Mautner	160				
A.	P11 McClelland	161	Yes	Yes	No	Yes
M.	P11 Moran	162				
D.	P11 Pollak	163	Yes	No		
B.	P11 Sheehan	164	Yes	Yes	No	
	P11 XX Open Seat	165				
S.	P12 Bruce	166	Yes	Yes	Yes	No
M.	P12 Burstein	167	Yes	No		No
L.	P12 Cooke-Childs	168	Yes		Yes	No
N.	P12 Daly	169	Yes	Yes	No	Yes
C.	P12 Ellis	170				
H.	P12 Friedman	171	No	Yes	No	No
J.	P12 Grand	172	Yes	Yes	No	Yes
S.	P12 Greenfield	173				

First Name	Last Name	Keypad	Article 20 - Main Motion 1	Article 22 - AC Substitute Motion 3	Article 10 - Motion for Referral 5	Articles 10 -14 Main Motion 6
C.	P12 Hatchett	174	Yes	Yes	No	Yes
A.	P12 Hummel	175	Abstain	Yes	No	Yes
J.	P12 Karon	176	Abstain	No		No
D.	P12 Klafter	177	Yes	No	No	No
M.	P12 Lowenstein	178	Abstain	Yes	No	Yes
J.	P12 Meyers	179	Yes	No	No	Yes
W.	P12 Slotnick	180				
M.	P13 Aschkenasy	181	Yes	Yes	No	No
J.	P13 Baker	182	Yes	No	No	Yes
C.	P13 Benka	183				
C.	P13 Chanyasulkit	184	Yes	Yes	No	Yes
J.	P13 Doggett	185		Yes	No	No
J.	P13 Fine	186	Abstain	Yes	Abstain	Abstain
A.	P13 Fischer	187	Yes	No	Yes	No
J.	P13 Freeman	188	Yes	Yes	No	Yes
F.	P13 Hoy	189	Yes	Yes	No	Yes
R.	P13 Kaplan	190				
W.	P13 Lohe	191	Yes	Yes	No	Yes
P.	P13 Saner	192	No	Yes	No	Yes
L.	P13 Selwyn	193				
B.	P13 Senecal	194	No	Yes	No	Yes
J.	P13 VanScoyoc	195		Yes	No	Yes
C.	P14 Brown	196	Abstain	Yes	No	Yes
D.	P14 Fishman	197	Yes	No		No
G.	P14 Fishman	198				

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K.	P14 Goldstein	199	Yes	Yes	No	Yes
J.	P14 Kushner	200	Abstain	Yes	No	Yes
F.	P14 Levitan	201	No	Yes	No	Yes
R.	P14 Lipson	202	Yes	Yes	No	Yes
P.	P14 Lodish	203	Yes	Yes	No	Yes
S.	P14 Mittel	204	Yes	Yes	No	Yes
K.	P14 O'Connell	205	Yes	Yes	No	Yes
B.	P14 Rich	206				
L.	P14 Roseman	207	Yes	Yes	No	Yes
S.	P14 Schoffman	208	No	Yes	No	Yes
J.	P14 Segal	209	Yes	No	No	Yes
I.	P14 Silberberg	210	Yes	Yes	No	Yes
E.	P15 Berger	211				
A.	P15 Coffin	212				
J.	P15 Flanagan	213	Yes		No	Yes
J.	P15 Hall	214		Abstain	No	Yes
B.	P15 Hallowell	215				
J.	P15 Kahn	216	Yes	No		No
K.	P15 Knauf	217	Abstain	Yes		No
I.	P15 Krepchin	218	Abstain	No	Yes	No
R.	P15 Liao	219	Yes	No	No	No
R.	P15 Murphy	220	No	No	No	Yes
R.	P15 Nangle	221	Yes		No	No
D.	P15 Pearlman	222	Yes	Yes	No	No
J.	P15 Rourke	223	No	Yes		Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
A.	P15 Sadeghi-Nejad	224	Abstain	Yes	No	No
C.	P15 Van der Ziel	225	Yes	No		No
S.	P16 Allaire	226	Yes	Abstain		No
A.	P16 Bowman	227	Yes		No	No
S.	P16 Chiumenti	228	No	Abstain		
R.	P16 Frawley	229	No			No
T.	P16 Gallitano	230	Abstain	Yes		No
S.	P16 Gladstone	231	Yes	Yes	No	No
J.	P16 Jette	232	Yes	Yes	No	No
A.	P16 Jonas	233	Yes	No	No	No
J.	P16 Leichtner	234	Yes	Yes	No	No
W.	P16 Pu	235	No		No	No
J.	P16 Safer	236	Abstain	Yes	No	No
I.	P16 Scharf	237	Yes	No	No	No
N.	P16 Shpritz	238	Yes	No	No	No
T.	P16 Sullivan	239	Yes	Yes	No	No
C.	P16 Thall	240	Yes	Yes	No	No
B.	TAL Franco	241	Yes	No	No	Yes
E.	TAL Gadsby	242	Abstain	Abstain	Abstain	Abstain
B.	TAL Greene	243	Yes	Yes	No	Yes
H.	TAL Hamilton	244	Yes	Abstain	No	Yes
N.	TAL Heller	245	Yes	No	No	Yes
Hon. F.	TAL Smizik	246				
P.	TAL Ward	247	Abstain	Abstain	Abstain	Abstain
N.	TAL Wishinsky	248	Yes	Yes	No	Yes

First Name	Last Name	Keypad	Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
			1	3	5	6
		Total 1 = Yes	168	116	29	112
		Total 2 = No	14	81	158	85
		Total 3 = Abstain	23	11	6	7
		Total Voters	205	208	193	204
		Total Yes + No	182	197	187	197
		% Yes	92.31%	58.88%	15.51%	56.85%
		% No	7.69%	41.12%	84.49%	43.15%
		Pass Threshold	50.00%	50.00%	50.00%	66.66%
		Pass/Fail	Pass	Pass	Fail	Fail

**MINUTES
OF THE
SPECIAL TOWN MEETING
ADJOURNED SESSION**

NOVEMBER 15, 2017

Pursuant to the vote passed on Tuesday, November 14, 2017 at the Special Town Meeting, called for Tuesday, November 14, 2017 at 7:00 PM, Town Meeting Members met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Wednesday, November 15, 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 two minutes past seven o'clock, the checkers reported that one hundred and twenty-seven (127) 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 Moderator Edward N. Gadsby, Jr.

Upon motion of Michael A. Burstein – TMM #12, and duly seconded, it was by a COUNTED VOTE OF 100 IN FAVOR, 22 OPPOSED AND 12 ABSTENTIONS

VOTED: To advance Article 22 to be heard immediately after Articles 21 and 20, and before the Hancock Village Articles.

TWENTY-FIRST ARTICLE

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.

Dennis L. Doughty – TMM #3, for the Advisory Committee; Bernard W. Greene – TMM #AL, for the Board of Selectmen; Leslie F. Griffin, Jr., a resident of the Town; Murray Dewart – TMM #3; Thomas John Vitolo – TMM #6 and co-petitioner; and Mark A. Gray – TMM #7 urged favorable action on the vote offered by the Advisory Committee.

Upon motion of Thomas John Vitolo – TMM #6, and co-petitioner, and seconded by Robert S. Daves – TMM #5, it was UNANIMOUSLY

VOTED: That the Town adopt the following resolution:

A Resolution to Honor John Wilson

WHEREAS, John W. Wilson (1922–2015) was a nationally celebrated artist whose work is included in many major museums, and graces several public spaces around the country, including 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, monumental bronze sculpture of the head of Martin Luther King, Jr. (1983), installed in Martin Luther King, Jr., Park, Buffalo, New York, evokes the great leader’s inspiration; and

WHEREAS, a 30-inch tall bronze study for that masterpiece recently became available; and

WHEREAS, a group of engaged Brookline citizens think that it is fitting that, just as our nation's Capitol Rotunda features a work 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

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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.

TWENTIETH ARTICLE

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 Massachusett 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.

Vishni Samaraweera, a resident of the Town, a Junior at Brookline High School, and co-petitioner; Nancy S. Heller – TMM #AL, for the Board of Selectmen; Janet Gelbart, for the Advisory Committee; Robert D. Lepson – TMM #9, for the Commission for Diversity, Inclusion and Community Relations; and Cornelia H. J. van der Ziel – TMM #15, and co-petitioner, urged favorable action on the vote offered by the Advisory Committee.

Jonathan J. Margolis – TMM #7; and Neil Roberts, a resident and a Brookline Attorney representing the Italian American Alliance, urged no action under the vote offered by the Advisory Committee.

Moderator Edward N. Gadsby, Jr. reviewed the procedure required to allow non-residents to speak at Town Meeting. The Moderator stated that there were three speakers who wished to speak in opposition to this article and that if seven Town Meeting Members objected, they would not be allowed to do so.

The Moderator asked if any Town Meeting Members who objected to these three men speaking in opposition to this Article, to please stand. More than seven Town Meeting members stood in opposition.

Michael A. Sandman – TMM #3 and Martin R. Rosenthal – TMM #9 both raised points of order, concerning procedural precedent and whether Town Meeting believed the standing vote was for all three speakers, or just one.

Moderator Edward N. Gadsby, Jr. – TMM #AL stated that when he asked for the standing vote, it was his intention to clear the way for all three speakers. He stated, however, that he would ask for permission individually.

The Moderator then proceeded to ask Town Meeting if there were seven Town Meeting Members who objected to Kevin A. Caira, a Wilmington Selectmen and a member of the Italian American Alliance, addressing Town Meeting. One Town Meeting Member objected.

Kevin A. Caira, a Wilmington Selectmen and a member of the Italian American Alliance, urged no action on the vote offered by the Advisory Committee.

The Moderator then proceeded to ask Town Meeting if there were seven Town Meeting Members who objected to Richard Vita, a member of the Italian American Alliance, addressing Town Meeting. More than seven Town Meeting Members objected and Mr. Vita was not allowed to speak.

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

VOTED: To terminate debate and call the question.

Upon motion of Craig Bolon – TMM #8, and duly seconded, thirty-five Town Meeting Members requested an Electronic Recorded Vote.

Upon motion of Patricia A. Connors – TMM #3, and seconded by Cornelia H. J. van der Ziel – TMM #15, it was by an ELECTRONIC RECORDED VOTE OF 168 IN FAVOR, 14 OPPOSED AND 23 ABSTENTIONS

SEE ADDENDUM]

VOTED: THAT THE TOWN 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 on October 12, 1492 and, later, on Hispaniola (present-day countries of the Dominican Republic and Haiti); 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 enslavement of at least 10–12 million 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; and

WHEREAS, Indigenous Peoples of the Americas have contributed to the world in countless ways, and continue to do so. These contributions are too numerous to set forth here, but include:

-During World War I and II, Choctaw, Cherokee, Navajo and other Indigenous code talkers played a key role in US communications, displaying bravery and intelligence as they sent signals based on their languages that the German and Japanese were unable to decipher. Their actions are credited with saving thousands of US and Allies' lives.

-Agricultural and culinary techniques for tomatoes, pumpkins, potatoes, maize, cacao, many varieties of beans and much more, including the development of non-edible plants such as cotton, tobacco, and rubber.

-Medical advances using plants, such as using Vitamin C-based foods to avoid scurvy, discovering the medical use for quinine, and discovering the medical uses of willow bark (the basis for aspirin).

-The Maya of Mexico appear to have been the first to use the zero in mathematics.

-Indigenous government systems in North America, particularly that of the Haudenosaunee (Six Nations Iroquois Confederacy), served as models of federated representative government for the United States, although the US excluded some key components such as the leadership role of women in the Haudenosaunee systems.

-Internationally known Indigenous people from the US have included Massasoit, Sacagawea, Sitting Bull, Crazy Horse, Geronimo, Pontiac, Tecumseh, Sealth (Seattle), Wilma Mankiller, Diane Humetewa, Dave Archambault, Winona LaDuke and many more. Olympic athletes have included Jim Thorpe and Billy Mills. Prominent modern Indigenous artists include writers Louise Erdrich and Sherman Alexie; the prima ballerina Maria Tallchief; actors such as Irene Bedard, Floyd Red Crow Westerman, and Adam Beach; musicians John Trudell, Joanne Shenandoah, Carlos

Nakai and Robbie Robertson; and artists Jaune Quick-To-See Smith, RC Gorman and Fritz Scholder.

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 Massachusett 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, as well as 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 Board or its designee shall invite representation on the Indigenous Peoples Day Celebration Committee from Town citizens, schools, non-profit organizations, businesses and its Commission for Diversity, Inclusion & Community Relations as well as the North American Indian Center of Boston, United American Indians of New England, Cultural Survival and IndigenousPeoplesDayMA.org, with an emphasis on obtaining as much Indigenous representation as possible,

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.

TWENTY-SECOND ARTICLE

Submitted by: Neil R. 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.

Martin R. Rosenthal – TMM #9, and Co-Chair of Brookline Pax; Anthony J. Naro – TMM #5, and member of the Commission for Diversity, Inclusion and Community Relations; and Neil R. Gordon – TMM #1, and petitioner, urged favorable action on the main motion offered by the petitioner and no action under the substitute motion offered by the Advisory Committee.

Janet Gelbart, for the Advisory Committee, and Bernard W. Greene – TMM #AL, for the Select Board, urged favorable action for the substitute motion offered by the Advisory Committee and no action under the main motion offered by the petitioner.

The Moderator entertained a motion to call the question, and read the names of the remaining speakers who had signed up under this Article.

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

VOTED: To terminate debate and call the question.

Upon motion of Martin R. Rosenthal – TMM #9, and duly seconded, thirty-five Town Meeting Members requested an Electronic Recorded Vote.

Upon motion of Sean M. Lynn-Jones – TMM #1, and seconded by Carla Wyman Benka – TMM #13, it was by an ELECTRONIC RECORDED VOTE OF 116 IN FAVOR, 81 OPPOSED AND 11 ABSTENTIONS

[SEE ADDENDUM]

VOTED: To substitute the Main Motion with the following:

A Resolution Regarding Massachusetts Criminal Justice Reform

1. WHEREAS: Beginning in the 1970's, the United States experienced a steadily progressing rate of

incarceration. With 5% of the world's population, the US has 25% of the world's inmates, and many consider mass incarceration the most important civil rights issue of our generation; and

2. WHEREAS: Massachusetts incarcerates about 20,000 inmates- five times the 1970's rate, averaging \$50,000 per inmate per year (even more for aging inmates), costing in total over \$1 billion a year; and
3. WHEREAS: The Massachusetts incarceration rate is 2.5 times Spain's, 3 times Canada's, 5 times Germany's, and 7 times Japan's; with only 6 countries -- Cuba, Russia, Thailand, Panama, Azerbaijan, and El Salvador having higher incarceration rates. Meanwhile, our state and local governments' crime prevention social services (including jails and prisons), remain seriously underfunded; and
4. WHEREAS: While some Massachusetts District Attorneys have broken ranks to support a few of the recent Senate proposals, almost all DAs have for decades supported the foregoing "tough-on-crime" trends, and opposed almost all meaningful sentencing reform; instead, they, like Gov. Baker, often tout Massachusetts' lesser (than most states') incarceration rate as justification, and
5. WHEREAS: US Criminal Justice racial disparities impose disproportionate consequences on individuals, families and communities of color, with Massachusetts' incarceration rate for Blacks and Hispanics being eight times and five times respectively that of Whites, and
6. WHEREAS: Across the country, both "blue" and "red" states have embraced a "Smart on Crime" paradigm shift of resources, prioritizing crime prevention over purely punitive incarceration, for example: Texas by 2014 closed three prisons, reducing by 6% its 2009 jail rate; Connecticut by 2016 closed 3 prisons, lowering inmate totals from near 20,000 in 2008 to under 15,600; and Louisiana will soon reduce inmate totals by 10%, saving \$262 million over the next decade; and

7. WHEREAS: Mandatory minimum sentences, which have proliferated for four decades despite little evidence that they deter crime, (which is one stated purpose), impede in-prison and post-release treatment and shift discretion from judges in open court to prosecutors who, behind closed doors, decide charges and attempt to coerce defendants to enter into plea bargains and trial waivers; and
8. WHEREAS: Despite many good proposed reforms of specific problem areas at the federal and state levels, such as loosening many drug mandatory minimum sentencing guidelines and making 19 the age of adulthood, and Gov. Baker's bill based on the Council on State Governments "Justice Re-Investment" project, few efforts address big picture issues like non-drug mandatory minimum sentencing, overall sentencing reform, or wider diversion options for misdemeanor offenses that would keep defendants out of court and without CORI records, and would save court resources; and
9. WHEREAS: Only about 8% of Massachusetts inmates are serving mandatory minimums for drug crimes, and the worst racial disparities for sentencing are related to guns, with about 80% of these inmates being minorities, and
10. WHEREAS: State and national polls show strong preference for rehabilitation, drug and mental health treatment, and community policing over jails and prisons; and a burgeoning grassroots-community movement, has been pushing for sentencing reform, racial justice, diversion, and smartness-on-crime practices; and
11. WHEREAS: The Sentencing Commission, reconstituted by Gov. Patrick in 2014 should propose sentencing guidelines by legislation and other reforms like diversion, and should propose bills circumventing mandatory minimum sentencing beyond drugs, e.g. Safety Valves (criteria for judges to selectively depart downward from mandatory minimums) instead of merely changing the (c. 1996) administrative guidelines, which are only sometimes consulted and

only in superior court, thereby lacking broad systemic impact,

Therefore, Be It Resolved That Brookline, By Vote of Its Elected Town Meeting Urges:

The State to enact substantial sentencing reform and diversion that is much broader than the now pending state house bills, with appropriate procedures for prosecutors' and defense attorneys' input, with appeals when dissatisfied, and including:

1. reallocating funds to meaningful, evidence-based, safety-focused prevention initiatives from our over \$1 billion annual incarceration spending which warehouses many minorities, still-formative youths, and aging inmates;
2. allowing deserving defendants charged with misdemeanors and lesser felonies to avoid court, get needed treatment, and retain clean CORI's;
3. establishing mandatory minimum Safety Valves for more than just drug crimes, allowing DA's and defense lawyers to then appeal; and
4. comprehensive sentencing guidelines legislation proposed by the Sentencing Commission for broad but tightly-defined mandatory minimum Safety Valves and significant "diversion";

And that The Board of Selectmen (1) convey this Resolution to our legislators, statewide elected officers, the Norfolk County District Attorney; and (2) request our state Senator and Representatives to update them on significant General Court developments relative to criminal justice reform.

Upon motion of Sean M. Lynn-Jones – TMM #1, and seconded by Carla Wyman Benka – TMM #13, it was BY A COUNTED VOTE OF 180 IN FAVOR AND 8 OPPOSED

VOTED: That the Town Adopt the following Resolution:

A Resolution Regarding Massachusetts Criminal Justice Reform

1. WHEREAS: Beginning in the 1970's, the United States experienced a steadily progressing rate of incarceration. With 5% of the world's population, the

US has 25% of the world's inmates, and many consider mass incarceration the most important civil rights issue of our generation; and

2. WHEREAS: Massachusetts incarcerates about 20,000 inmates- five times the 1970's rate, averaging \$50,000 per inmate per year (even more for aging inmates), costing in total over \$1 billion a year; and
3. WHEREAS: The Massachusetts incarceration rate is 2.5 times Spain's, 3 times Canada's, 5 times Germany's, and 7 times Japan's; with only 6 countries -- Cuba, Russia, Thailand, Panama, Azerbaijan, and El Salvador having higher incarceration rates. Meanwhile, our state and local governments' crime prevention social services (including jails and prisons), remain seriously underfunded; and
4. WHEREAS: While some Massachusetts District Attorneys have broken ranks to support a few of the recent Senate proposals, almost all DAs have for decades supported the foregoing "tough-on-crime" trends, and opposed almost all meaningful sentencing reform; instead, they, like Gov. Baker, often tout Massachusetts' lesser (than most states') incarceration rate as justification, and
5. WHEREAS: US Criminal Justice racial disparities impose disproportionate consequences on individuals, families and communities of color, with Massachusetts' incarceration rate for Blacks and Hispanics being eight times and five times respectively that of Whites, and
6. WHEREAS: Across the country, both "blue" and "red" states have embraced a "Smart on Crime" paradigm shift of resources, prioritizing crime prevention over purely punitive incarceration, for example: Texas by 2014 closed three prisons, reducing by 6% its 2009 jail rate; Connecticut by 2016 closed 3 prisons, lowering inmate totals from near 20,000 in 2008 to under 15,600; and Louisiana will soon reduce inmate totals by 10%, saving \$262 million over the next decade; and

7. WHEREAS: Mandatory minimum sentences, which have proliferated for four decades despite little evidence that they deter crime, (which is one stated purpose), impede in-prison and post-release treatment and shift discretion from judges in open court to prosecutors who, behind closed doors, decide charges and attempt to coerce defendants to enter into plea bargains and trial waivers; and
8. WHEREAS: Despite many good proposed reforms of specific problem areas at the federal and state levels, such as loosening many drug mandatory minimum sentencing guidelines and making 19 the age of adulthood, and Gov. Baker's bill based on the Council on State Governments "Justice Re-Investment" project, few efforts address big picture issues like non-drug mandatory minimum sentencing, overall sentencing reform, or wider diversion options for misdemeanor offenses that would keep defendants out of court and without CORI records, and would save court resources; and
9. WHEREAS: Only about 8% of Massachusetts inmates are serving mandatory minimums for drug crimes, and the worst racial disparities for sentencing are related to guns, with about 80% of these inmates being minorities, and
10. WHEREAS: State and national polls show strong preference for rehabilitation, drug and mental health treatment, and community policing over jails and prisons; and a burgeoning grassroots-community movement, has been pushing for sentencing reform, racial justice, diversion, and smartness-on-crime practices; and
11. WHEREAS: The Sentencing Commission, reconstituted by Gov. Patrick in 2014 should propose sentencing guidelines by legislation and other reforms like diversion, and should propose bills circumventing mandatory minimum sentencing beyond drugs, e.g. Safety Valves (criteria for judges to selectively depart downward from mandatory minimums) instead of merely changing the (c. 1996) administrative guidelines, which are only sometimes consulted and

only in superior court, thereby lacking broad systemic impact,

Therefore, Be It Resolved That Brookline, By Vote of Its Elected Town Meeting Urges:

The State to enact substantial sentencing reform and diversion that is much broader than the now pending state house bills, with appropriate procedures for prosecutors' and defense attorneys' input, with appeals when dissatisfied, and including:

1. reallocating funds to meaningful, evidence-based, safety-focused prevention initiatives from our over \$1 billion annual incarceration spending which warehouses many minorities, still-formative youths, and aging inmates;
2. allowing deserving defendants charged with misdemeanors and lesser felonies to avoid court, get needed treatment, and retain clean CORI's;
3. establishing mandatory minimum Safety Valves for more than just drug crimes, allowing DA's and defense lawyers to then appeal; and
4. comprehensive sentencing guidelines legislation proposed by the Sentencing Commission for broad but tightly-defined mandatory minimum Safety Valves and significant "diversion";

And that The Board of Selectmen (1) convey this Resolution to our legislators, statewide elected officers, the Norfolk County District Attorney; and (2) request our state Senator and Representatives to update them on significant General Court developments relative to criminal justice reform.

TENTH ARTICLE

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

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

Footnotes to Figure 5.06.4.k.1:

¹ 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.

² 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.

³In 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 HVOD 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 HVOD 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.)



(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.



HANCOCK VILLAGE MASTER DEVELOPMENT PLAN

August 31, 2017

ELEVENTH ARTICLE

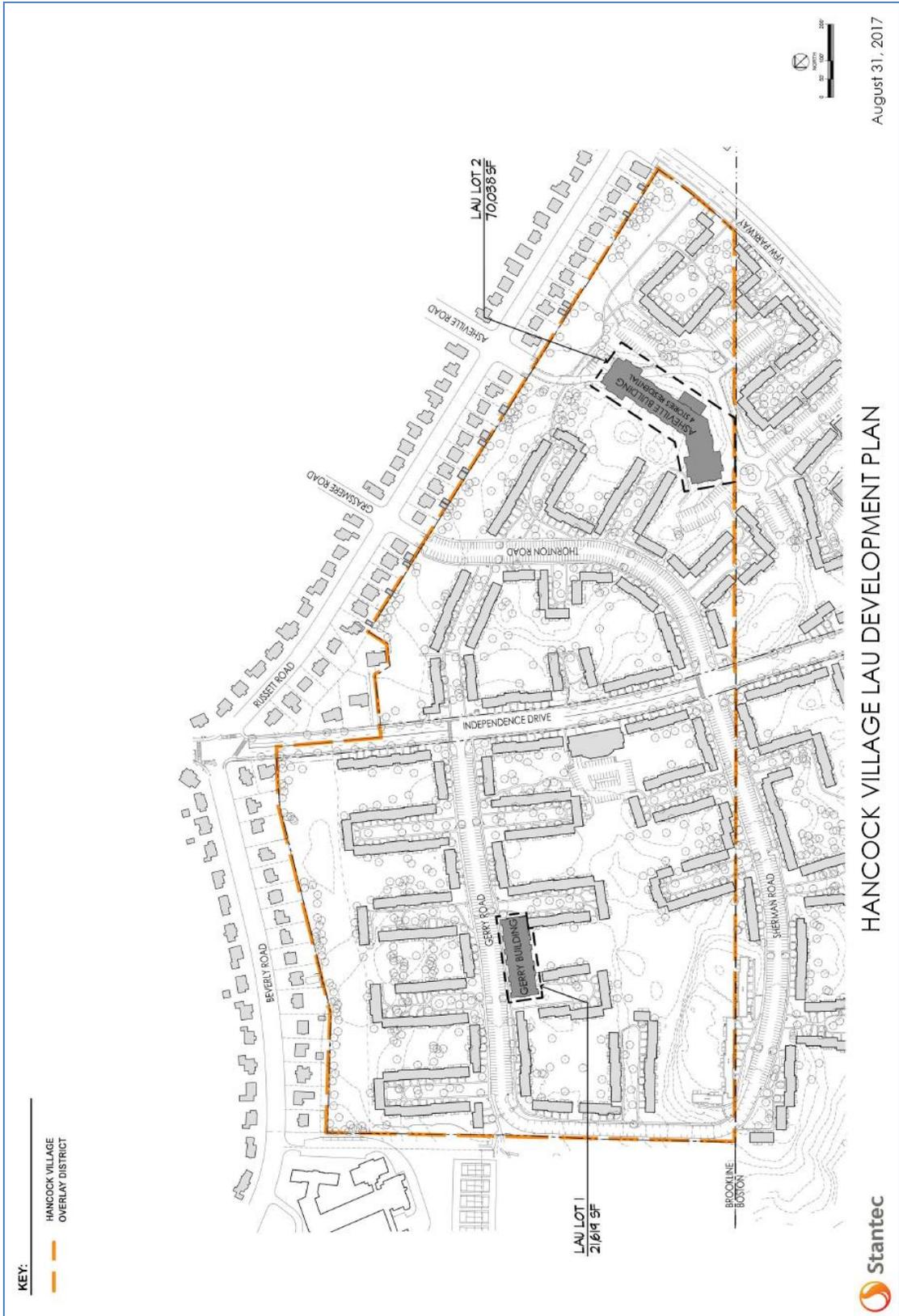
Submitted by: Board of Selectmen

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.

TWELFTH ARTICLE

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.)

THIRTEENTH ARTICLE

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.

FOURTEENTH ARTICLE

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 “HVOD 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 “HVOD 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.

Moderator Edward N. Gadsby, Jr. - TMM #AL, reviewed the Hancock Village Articles with Town Meeting. The Moderator stated that Town Meeting will have a single debate and a single vote on Articles 10 through 12 and 14, under Article 10, with no motion being offered under Article 13, and then move on to Article 15 and Article 1 of the Special Town Meeting called for November 14, 2017 at 8:00 PM.

Upon motion of Susan Roberts – TMM #2, and duly seconded, the following motion to refer was offered under Article 10.

MOVED: to refer the subject matter of Articles 10 through 15 and Article 1 of the Second Special Town Meeting to a committee to be appointed by the Board of Selectmen for the purpose of further negotiating an agreement with the owner of Hancock Village as

to the development of Hancock Village, such agreement to be satisfactory to the committee and the owner, such negotiations to consist solely of consideration of the development under M.G.L. 40B, such committee to consist of those principal members of the Town who negotiated the above warrant articles (or their representatives) and their counsel, plus two (2) town meeting members of Precinct 16 acceptable to the Board of Selectmen as suggested by the Precinct 16 delegation, and one (1) plaintiff from the Land Court civil action, Town of Brookline v. Brookline Board of Appeals, et. al., with such committee to report back to the Board of Selectmen no later than February 28, 2018 or such later date as the committee shall reasonably request that is no later than the date of the 2018 Annual Town Meeting.

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5 the following motion for Articles 10, 11, 12 and 14, was offered under Article 10.

MOVED: That the Town will 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, dated October 31, 2017, and filed with the Town Clerk as of that date; 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 the Open Space Areas (HVOD Buffer 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 HVCRC shall consist of nine (9) members, and shall include among the membership two (2) members of the Neighborhood Conservation District Commission and one (1) member of the Preservation Commission, allowing for a single person with dual memberships to serve in both roles, if appropriate. Said members of the Neighborhood Conservation District Commission and Preservation Commission shall be appointed to the HVCRC by the Chairs of their respective Commissions. The Planning Board shall establish rules and regulations governing 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 September 7, 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” (HVOD Buffer Areas), as shown

on the Master Development Plan, including all associated roads and site access features shown thereon, and renovations pursuant to Section 5.06.4.k.4.b.i of this By-Law and the construction of a single additional recycle center as provided for in Section 5.06.4.k.4.a.v. The HVOD Project does not include any Addition.

- n) MASTER DEVELOPMENT PLAN — A plan entitled “Hancock Village Master Development Plan” dated October 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

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

Footnotes to Figure 5.06.4.k.1:

¹ 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.

² 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.

³ 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. All residents of the HVOD, including residents of the Affordable Units, shall enjoy equal rights to use and access the Community Center Building and related facilities.

- 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 HVOD 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 HVOD 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 10,000 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, including one additional recycle center not shown on the Master Development Plan. Should the Proponent elect to construct the single additional recycle center not shown on the Master Development Plan, that construction shall conform to the following requirements:
 - A. The recycle center shall not be located within the area zoned S-7.
 - B. The total square footage allowed for the recycle center shall not exceed 1,000 sf (excluding any covered areas not enclosed by walls).

- C. The height for the additional recycle center shall not exceed 29 feet above grade.
 - D. The design of the recycle center shall be consistent with the design of recycling centers shown on the Master Development Plan.
 - E. Should the construction of the recycle center require the relocation of parking spaces, driveways or roadways, such relocation shall not result in an increase in the number of total parking spaces permitted in the HVOD pursuant to Section 5.06.4.k.6, nor an increase in the number of surface parking spaces shown on the Master Development Plan, nor a material reconfiguration of the site circulation. Surface parking relocated due to the construction of the recycle building shall not be relocated to the area zoned S-7.
 - F. Construction of the recycle center cannot result in any change in the location or footprint of any building shown on the Master Development Plan.
 - G. Construction of the recycle center shall be subject to Conformance Review pursuant to Section 5.06.4.k.12. With respect to that review, the Final Plans shall be reviewed for conformance with the conditions of this Section and all other relevant Sections of 5.06.4.k.
- 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 18,000 square feet, measured from the exterior faces of the walls or from the centerlines of the walls for adjoining buildings.
- B) Additions will only be added to units that have half baths on the first floor and modernized, reconfigured kitchens. No Addition shall add more than 60 square feet of gross floor area, measured from interior wall to interior wall, to any individual dwelling unit. The Additions will include no more than 3 exterior walls and no wall closing it off from the adjacent living space. No Addition shall extend more than 6 feet from the previously existing footprint of the unit being modified, excluding any roof overhangs and the thickness of the exterior wall of the Addition. No Addition shall have a lateral width of more than 10 feet.
- 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 between 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 forty-five (45) 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.

Recycle Center Buildings: 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 on private roadways 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, shall 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 compatible with the character, style, materials and details 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 October 31, 2017, and filed with the Town Clerk as of that date, for the Hancock Village Overlay District;

For reference, we have provided a “redline” version of the differences between the original article and the motion voted by the Board:

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

- (v) 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, dated October 31, 2017, and filed with the Town Clerk as of that date; and
- (vi) 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.
- (vii) Amend Section 5.06.4 to create Section 5.06.4.k “Hancock Village Overlay District (“HVOD”)” as follows

k. Hancock Village Overlay District

18) 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.

19) As used in this Section 5.06.4.k, the following terms shall have the following meanings, except where the context clearly indicates otherwise:

- r) ADDITION — An expansion of an existing building that increases the exterior massing of such building.
- s) 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.

- t) **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.
- u) **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 the Open Space Areas (HVOD Buffer 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.
- v) **DESIGN CERTIFICATE** – A certificate issued by the Planning Board pursuant to Section 5.06.4.k.4.b.ii.H, below.
- w) **DESIGN GUIDELINES** – The Design Guidelines set forth in Section 5.06.4.k.4.b.ii.G, below.
- x) **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.
- y) **FINAL PLANS** — The plans and materials submitted in connection with the Conformance Review pursuant to Section 5.06.4.k.12.
- z) **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.
- aa) **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

HVCRC shall consist of nine (9) members, and shall include among the membership two (2) members of the Neighborhood Conservation District Commission and one (1) member of the Preservation Commission, allowing for a single person with dual memberships to serve in both roles, if appropriate. Said members of the Neighborhood Conservation District Commission and Preservation Commission shall be appointed to the HVCRC by the Chairs of their respective Commissions. The Planning Board shall establish rules and regulations governing what constitutes a quorum and other matters related to the conduct of the HVCRC.

- bb) 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.

- cc) 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 September 7, 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.

- dd) HVOD PROJECT — All development within the four “Development Areas” and the two “Open Space Areas” (HVOD Buffer Areas), as shown on the Master Development Plan, including all associated roads and site access features shown thereon, and renovations pursuant to Section 5.06.4.k.4.b.i of this By-Law and the construction of a single additional

recycle center as provided for in Section 5.06.4.k.4.v. The HVOD Project does not include any Addition.

- ee) MASTER DEVELOPMENT PLAN — A plan entitled “Hancock Village Master Development Plan” dated October 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.
- ff) PROPONENT — The proponent or developer of the HVOD Project or any proposed phase or portion thereof, or the proponent or developer of any Addition.
- gg) 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.
- hh) 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.

20) 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.

21) 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

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

Footnotes to Figure 5.06.4.k.1:

¹ 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.

² 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.

³ 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. All residents of the HVOD, including residents of the Affordable Units, shall enjoy equal

rights to use and access the Community Center Building and related facilities.

- 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 HVOD 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 HVOD 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 10,000 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, including one additional recycle center not shown on the Master Development Plan. Should the Proponent elect to construct the single additional recycle center not shown on the Master Development Plan, that construction shall conform to the following requirements:
 - A. The recycle center shall not be located within the area zoned S-7.
 - B. The total square footage allowed for the recycle center shall not exceed 1,000 sf (excluding any covered areas not enclosed by walls).
 - C. The height for the additional recycle center shall not exceed 29 feet above grade.

- D. The design of the recycle center shall be consistent with the design of recycling centers shown on the Master Development Plan.
 - E. Should the construction of the recycle center require the relocation of parking spaces, driveways or roadways, such relocation shall not result in an increase in the number of total parking spaces permitted in the HVOD pursuant to Section 5.06.4.k.6, nor an increase in the number of surface parking spaces shown on the Master Development Plan, nor a material reconfiguration of the site circulation. Surface parking relocated due to the construction of the recycle building shall not be relocated to the area zoned S-7.
 - F. Construction of the recycle center cannot result in any change in the location or footprint of any building shown on the Master Development Plan.
 - G. Construction of the recycle center shall be subject to Conformance Review pursuant to Section 5.06.4.k.12. With respect to that review, the Final Plans shall be reviewed for conformance with the conditions of this Section and all other relevant Sections of 5.06.4.k.
- 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 18,000 square feet, measured from the exterior faces of the walls or from the centerlines of the of the walls for adjoining buildings.

- B) Additions will only be added to units that have half baths on the first floor and modernized, reconfigured kitchens. No Addition shall add more than 60 square feet of gross floor area, measured from interior wall to interior wall, to any individual dwelling unit. The Additions will include no more than 3 exterior walls and no wall closing it off from the adjacent living space. No Addition shall extend more than 6 feet from the previously existing footprint of the unit being modified, excluding any roof overhangs and the thickness of the exterior wall of the Addition. No Addition shall have a lateral width of more than 10 feet.
- 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 between 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 forty-five (45) 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.

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

- e) **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.

- f) **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.

Recycle Center Buildings: 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.

- g) **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.

h) Maximum DFAR: The DFAR for the entire HVOD shall not exceed 0.48.

23) 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.

i) 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.

j) 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.

k) To the extent consistent with the Master Development Plan, parking may be provided through on-street spaces on private roadways within the HVOD, ground-level paved areas, Structured Parking or any combination thereof.

l) 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, shall 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.

m) All parking areas and facilities shall be set back from the boundaries of the HVOD as shown on the Master Development Plan.

n) 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.

o) 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.

p) 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.

24) Signs, to the extent visible from public ways, shall conform to the Signage Plan.

25) 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:

c) 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

d) Developed as open space with play areas as shown on the Master Development Plan.

26) Landscaping and Screening of Parking and Buffer Areas.

g) 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.

h) 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.

i) 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.

j) 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.

k) 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.

l) 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.

27) 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:

c) Exterior Finish Materials:

v) Building exteriors shall be compatible with the character, style, materials and details of the existing Hancock Village and constructed of durable and maintainable materials.

- vi) 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.
- vii) 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.

d) 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.

28) 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:

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

29) 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.

- h) 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:

10. Locus Map showing boundaries of the subject property
11. Existing Conditions Plan
12. General Layout Map
13. 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)
14. Architectural Floor and Elevations Plans
15. Transportation Access Plan (reviewed and approved by the Director of Engineering and Transportation and provided to the HVCRC for informational purposes only)
16. Exterior Lighting Plan
17. 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.
18. 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.

i) 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.

j) 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.

k) 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.

l) 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.

m) 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.

n) 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
- viii) 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.

30) 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.

31) 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.

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

33) 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.

34) 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.

- (viii) To approve the Master Development Plan, entitled, “Hancock Village Master Development Plan,” dated October 31, 2017, and filed with the Town Clerk as of that date, for the Hancock Village Overlay District;

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, the following motion was offered under Article 11:

MOVED: That the Town authorizes 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,” prepared by Stantec, dated October 31, 2017, and filed with the Town Clerk as of that date, 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.

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, the following motion was offered under Article 12:

MOVED: That the Town authorizes 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,” prepared by Stantec, dated September 7, 2017, and filed with the Town Clerk as of that date, 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.

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, the following motion was offered under Article 14:

MOVED: That the Town authorizes 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,” prepared by Stantec, dated October 31, 2017, and filed with the Town Clerk as of that date, 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.

Neil Wishinsky – TMM #AL, for the Select Board; Angela Hyatt – TMM #5, for the Advisory Committee; Harry K. Bohrs – TMM #3; Kenneth Lewis – TMM #11, and a member of the Brookline Neighborhood Conservation District Commission; Kelly A. Hardebeck – TMM #7; Michael A. Sandman – TMM #3; and Werner Lohe – TMM #13, urged favorable action on the votes offered by the Select Board under Articles 10, 11, 12 and 14.

Judith Leichtner – TMM #16; Saralynn J. Allaire – TMM #16; Susan M. Roberts - TMM #2; Irene Scharf – TMM #16; Timothy C. Sullivan – TMM #16; Jane C. Gilman – TMM #3; Thomas J. Gallitano – TMM #16; and Joshua D. Safer – TMM #16, urged no action on the votes offered by the Select Board under Articles 10, 11, 12 and 14.

Richard Garver, a resident of the Town and a member of the Brookline Neighborhood Conservation District Commission, discussed the impact the passage of these Articles would have on the purview of the Commission.

Several questions were raised by Mariah C. Nobrega – TMM #4; Janice S. Kahn – TMM #15; Linda Olson Pehlke – TMM #2; and Brian A. Bergstein – TMM #6 concerning student costs calculations; what happens to non-affordable units currently counted in the SHI if there is a condo conversion; deed restrictions; and last minute changes to the Memorandum of Agreement.

The Moderator entertained a motion to call the question, and read the names of the remaining speakers who had signed up under these Articles.

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

VOTED: To terminate debate and call the question.

Upon motion of Craig Bolon – TMM #8, and duly seconded, thirty-five Town Meeting Members requested an Electronic Recorded Vote for the motion to refer.

Upon motion of Susan M. Roberts – TMM #2, and duly seconded, the following motion to refer was DEFEATED by an ELECTRONIC RECORDED VOTE OF 29 IN FAVAOR, 158 OPPOSED AND 6 ABSTENTIONS

[SEE ADDENDUM]

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, a Two-Thirds Vote required, the following vote

for Articles 10, 11, 12, and 14, taken under Article 10, was DEFEATED by an ELECTRONIC RECORDED VOTE OF 112 IN FAVOR, 85 OPPOSED, AND 7 ABSTENTIONS.

[SEE ADDENDUM]

FIFTEENTH ARTICLE

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.

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, it was UNANIMOUSLY

Voted: That NO ACTION be taken under Article 15.

At 10:55 PM, upon motion made and duly seconded it was UNANIMOUSLY

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

At 10:56, the Moderator called the Special Town Meeting, called for Tuesday, November 14, 2017 at 8:00 PM, to order.

FIRST ARTICLE

Submitted by: Board of Selectmen

To see if the Town will vote to amend the Section 5.10.3(d)(1) of the Town’s General By-Laws as follows:

(language to be deleted from Section 5.10.3(d)(1) appearing in ~~strikethrough~~, and new language appearing in **bold underline**)

d. Specific districts and guidelines.

1. There shall be a Neighborhood Conservation District, to be entitled the “Hancock Village Neighborhood Conservation District”, the boundaries of which are shown on the map entitled “Hancock Village Neighborhood Conservation District”, a copy of which is on file with the Town Clerk’s office, which is hereby declared to be part of this By-law.

The first and largest garden city apartment complex in Brookline, Hancock Village (1946-1949) is significant as a far-sighted, historically important collaboration between the town of Brookline and the Boston-based John Hancock Mutual Life Insurance Company to provide both employment and housing for returning World War II veterans. The development, which straddles the Brookline-Boston line, consists of 789 two-story attached townhouses, most of which are located in Brookline. In consideration of a zoning change by the Town which allowed the development to proceed, the development was designed and built as a high-quality development in the “garden village” style, meaning that each dwelling unit had a separate entrance to the exterior; the units were town-homes of two stories with peaked roofs; there was substantial open space; and there was a “greenbelt” serving as a buffer between the development and adjacent single-family homes. Such elements were embodied in commitments made on behalf of John Hancock Insurance by its president Paul F. Clark, including an agreement with the Town of Brookline executed March 11, 1946. The landscape design was by Olmsted Associates, a Brookline firm with international experience and reputation. Significantly, Hancock Village remains the quality housing development conceived in those commitments and original design, and therefore remains internally coherent in design and compatible in scale, siting and impact with the adjacent neighborhood of single-family homes and with the D. Blakely Hoar Wildlife Sanctuary, especially due to the retention in Hancock Village of open lawns, courtyards and common areas, pedestrian paths, consistent town-house style buildings of modest scale, unobstructed sky planes, buffer zones, and significant landscape features such as puddingstone outcrops. Retaining integrity of location, design, setting, materials, workmanship, feeling, and association, the Hancock Village Neighborhood has as such remained an important historic property in Brookline and a compatible part of the fabric of the community and the adjacent neighborhood.

Within the Hancock Village Neighborhood Conservation District, no activity comprising all or any part of the HVOD Project, as that term is defined in Section 5.06.4.k.2.m of the Town’s Zoning By-Law, nor any Addition, as that term is used in Section 5.06.4.k.4.b.ii of the Town’s Zoning By-Law including, without limitation, any demolition of existing buildings, construction of new buildings and other improvements or any site work, shall be considered a Reviewable Project. Further, only the following activities shall be considered Reviewable Projects, as that term is defined in Section 5.10.2.m of the Town’s General By-Laws:

- 1) Reconstruction of a building following complete demolition of a building if and to the extent such reconstruction does not require issuance of a Conformance Determination pursuant to Section 5.06.4.k12.e of the Town’s Zoning By-Law.**

- 2) **A single project which will result in the disturbance of an area within the Hancock Village NCD of a size greater than five percent (5%) of the total surface area of the NCD.**
- 3) **Any disturbance of the area identified as “HVOD Buffer Area” on the plan entitled “Hancock Village Master Development Plan” dated September 7, 2017, prepared by Stantec Planning and Landscape Architecture P.C., a copy of which is on file with the Town Clerk’s Office except as such disturbance is necessary to construct, repair or maintain the improvements shown on said plan:**

With respect to the Reviewable Projects defined above, the Hancock Village Neighborhood Conservation District shall be governed by the following design guidelines. Any further development shall be compatible with the existing development of the district and its relationship to the adjacent neighborhood:

- i. Architectural style and character. The architectural design and building materials of any proposed Reviewable Project shall be compatible with the existing garden-village town-house architecture within the district, with, for example, each dwelling unit having a separate entrance to the exterior.
- ii. Building size, height and massing. The size, height and massing of a building or other structure which is part of any proposed Reviewable Project shall be compatible with existing buildings and other structures within the district and the adjacent neighborhood, and the elements considered shall include but not be limited to the volume and dimensions of any buildings or other structure; the scale, clustering and massing of any building or other structure in relation to its surroundings, including existing buildings and other structures and nearby landscape and other open spaces; and compatibility of design and materials with existing buildings and other structures. Compatible building size, height and massing shall include, not be limited to limited to:
 - a. No building over 2 ½ stories in height, measured from the highest point of the finished grade of each unit, shall be constructed.
 - b. In relation to any abutting single-family, detached homes, any new single-family homes shall be similarly oriented, have similar rear yard depths, and similar distance between dwelling units.
- iii. Façade. The number, size and location and design of windows, doors and solid elements, trim work, piers, pilasters, soffits, cornices, decks, porches and canopies, and the design of window and door details, including trim, muntins, mullion and sills, need not replicate but shall be compatible with the existing buildings within the district. Alterations necessary for handicap accessibility shall be compatible to the extent reasonably feasible.

- iv. Roof treatment. The shape, pitch, style, and type of surfacing of roof areas shall be compatible with those of buildings within the district. Including buildings in any Reviewable Project, buildings with flat or approximately flat roofs will not exceed 25% of the total number of buildings in the entire NCD.

- v. Streetscape, topography and landscape. Any proposed Reviewable Project (including demolition, removal, new construction or other alteration) shall maintain the spatial organization of the district and shall not have a significant negative impact on historic architectural or landscape elements, including structures, open spaces, green spaces, topography, walls and fences, circulation patterns including pedestrian circulation separated from vehicular traffic, viewsheds, park areas, play areas, courtyards and other landscaped areas previously accessible and usable in common, significant trees as defined in this by-law, and buffer areas. The existing spatial organization and land patterns of the landscape shall be preserved, including the curvilinear circulation patterns and views from roads, sidewalks, pathways and buildings. Significant negative impacts shall include, but not be limited to:
 - a. Removal or alteration of rock outcroppings greater than 200 square feet in contiguous area;
 - b. Alteration of existing grades by more than three feet in vertical height;
 - c. Removal of existing pedestrian paths that separate pedestrians from vehicular traffic;
 - d. Addition of new impervious surfaces within 100 feet of abutting properties, including the Hoar Sanctuary or single-family homes; and
 - e. Loss of open space through building coverage exceeding 20% of the area of the district or through loss of the “greenbelt” now serving as a buffer to the abutting single-family detached homes.

Nothing in this Section 5.10.3.d.1 shall be construed as repealing or modifying any existing by-law or regulation of the Town, but it shall be in addition thereto. To the extent this Section 5.10.3.d.1 imposes greater restrictions upon a Reviewable Project than other by-laws, regulations or statutes, such greater restrictions shall prevail. The provisions of this Section 5.10.3.d.1 shall be deemed to be severable. If any of its provisions, subsections, sentences or clauses shall be held to be invalid or unconstitutional, the remainder shall continue to be in full force and effect.

Upon motion of Select Board Member Neil Wishinsky – TMM #AL, and seconded by Angela Hyatt – TMM #5, it was UNANIMOUSLY,

VOTED: That NO ACTION be taken under Article 1.

At 10:57 PM, upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To dissolve the Special Town Meeting, called for Tuesday, November 14, 2017 at 8:00 PM.

DISSOLVED *SINE DIE*:

A T T E S T:

Patrick J. Ward

A handwritten signature in black ink, appearing to read "Patrick J. Ward". The signature is written in a cursive style with a large initial "P".

Town Clerk

ADDENDUM TO THE MINUTES OF THE NOVEMBER 14, 2017 SPECIAL TOWN MEETING

First Name	Last Name	Keypad	Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
			1	3	5	6
C.	P01 Cavell	1	Yes	Yes	No	No
J.	P01 Cutler	2	Yes	Yes	No	Yes
E.	P01 Ercolino	3	Abstain	Yes	No	Yes
J.	P01 Feingold	4	Abstain	No	No	Yes
J.	P01 Franco	5	Yes	Yes	No	Yes
N.	P01 Gordon	6	Yes	No	No	Yes
H.	P01 Herman	7	Yes	Yes	No	Yes
C.	P01 Hillman	8			No	Yes
S.	P01 Lynn-Jones	9	Yes	Yes	No	No
A.	P01 Metral	10	Yes	No	No	Yes
P.	P01 Neuefeind	11	Yes	No	No	
B.	P01 Schram	12	Yes	No	No	No
R.	P01 Silbaugh	13	Yes	Yes	No	No
K.	P01 Sloane	14		No	No	Yes
C.	P01 Terrell	15	Yes	No	No	No
J.	P02 Englund	16	Yes	Yes	No	No
B.	P02 Hellerstein	17	Yes	Yes	No	Yes
J.	P02 Kidd	18				
L.	P02 Liss	19	Yes	Yes	No	Abstain
R.	P02 McNally	20	Abstain	Yes	No	No
B.	P02 O'Brien	21	Yes	Yes	Yes	Yes
L.	P02 Pehlke	22	Yes	No	Abstain	No
J.	P02 Piercy	23	Yes	Yes	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
S.	P02 Roberts	24	Abstain	Yes	Yes	No
L.	P02 Schachter-Kahl	25	Yes	Yes	Yes	No
J.	P02 Shreffler	26	Yes	Yes	Yes	No
D.	P02 Spiegel	27				
S.	P02 Spiegel	28				
C.	P02 Studdard	29	Yes	No	No	Yes
B.	P02 Wolff	30	Yes		No	Yes
D.	P03 Aronson	31	Abstain	Yes	No	Yes
K.	P03 Becker	32	Yes	Yes	No	No
H.	P03 Bohrs	33	Yes	Yes	No	Yes
P.	P03 Connors	34	Yes	No	No	No
Ma	P03 Dewart	35	Yes	Yes	Yes	No
Mu	P03 Dewart	36	Yes	Yes	Yes	No
D.	P03 Doughty	37	Yes	Yes	No	Yes
J.	P03 Gilman	38	Yes	Yes	No	No
L.	P03 Koff	39	Yes	Yes	No	Yes
D.	P03 Leka	40	Yes	Yes	No	No
M.	P03 Levene	41	Yes	No	No	Yes
M.	P03 Sandman	42		Yes	No	Yes
K.	P03 Scanlon	43	Yes		No	Yes
F.	P03 Steinfield	44	Yes	Yes	No	Yes
R.	P03 Stone	45	Yes	No	No	Yes
S.	P04 Axelrod	46		Yes	No	Yes
S.	P04 Boehs	47	Yes	Yes	No	No
A.	P04 Christ	48	Yes	Yes	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
M.	P04 Farlow	49	Yes	No	No	No
P.	P04 Frumkin	50	Yes	Yes	No	Yes
N.	P04 Gerdts	51	Yes	Yes		
K.	P04 Givens	52	Yes	No	No	No
Y.	P04 Johnson	53	Yes	No	No	No
J.	P04 Mulhane	54	No	No	Yes	Yes
M.	P04 Nobrega	55	Yes	No	No	No
J.	P04 Ortiz	56				
J.	P04 Shaw	57				
M.	P04 Siegel	58	Yes	No	No	No
V.	P04 Smith	59	Yes	No	Yes	No
R.	P04 Volk	60	Yes	Yes		
R.	P05 Allen	61		Yes	No	Yes
R.	P05 Daves	62	Yes	No	No	Yes
B.	P05 DeWitt	63		Yes		No
M.	P05 Gunnuscio	64	No	Yes	No	Yes
A.	P05 Hyatt	65	Yes	Yes	No	Yes
W.	P05 Machmuller	66	Yes	Yes	No	Yes
H.	P05 Mattison	67	Yes	Yes	No	Yes
R.	P05 Meiklejohn	68	Yes	Yes	No	Yes
F.	P05 Michaels	69	Yes	Yes	No	Yes
A.	P05 Naro	70	Yes	No	No	No
P.	P05 O'Leary	71				
A.	P05 Olins	72	Abstain	Yes	No	Yes
W.	P05 Reyelt	73	Yes	Yes	Abstain	Abstain

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
C.	P05 Stampfer	74	Yes	Yes	No	Yes
E.	P05 Wurster	75	Yes	Yes	No	Yes
C.	P06 Anderson	76	Yes	No	No	Yes
J.	P06 Bassett	77	Yes	No		No
B.	P06 Bergstein	78	Abstain	Yes	Yes	Yes
A.	P06 Conquest	79	Yes	Yes	Yes	No
C.	P06 Dempsey	80	Yes	Yes	No	Yes
S.	P06 Englander	81	Yes	No	No	Yes
B.	P06 Hochleutner	82	Yes	Yes	No	Yes
S.	P06 Humphrey	83	Yes	Yes	No	Yes
V.	P06 LaPlante	84	Yes	No	Yes	No
C.	P06 Richmond	85	Yes	No	No	Yes
D.	P06 Saltzman	86		Yes	No	Yes
K.	P06 Smith	87	Yes	No		No
R.	P06 Sneider	88	Yes	No	Yes	No
A.	P06 Trecker	89	Yes	No	Yes	Yes
T.	P06 Vitolo	90	Yes	No	No	No
S.	P07 Cohen	91	Yes	Yes	No	
K.	P07 Duclos	92				
S.	P07 Ellis	93	Yes	No		
E.	P07 Frey	94	Yes	No	No	Yes
P.	P07 Giller	95				
S.	P07 Granoff	96	Yes	No	Yes	No
M.	P07 Gray	97	Yes	No	No	Yes
K.	P07 Hardebeck	98	Yes	No	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
M.	P07 Levy	99	Yes	No	No	Abstain
J.	P07 Margolis	100		No	No	Yes
D.	P07 Pantalone	101	Yes	No	Yes	No
S.	P07 Provost	102	Yes	Yes	No	Yes
R.	P07 Shon-Baker	103	Yes	Yes	Yes	Abstain
J.	P07 Slayton	104				
I.	P07 Wapinski	105			No	
L.	P08 Bernard	106	Yes	No	Yes	No
C.	P08 Bolon	107	Yes	No	Yes	No
A.	P08 Cox	108	Yes	Yes	No	Yes
G.	P08 Crandell	109	Yes	Yes	No	
D.	P08 Goldstein	110	Yes	Yes		No
J.	P08 Harris	111	Yes	Yes	No	
A.	P08 Johnson	112		Yes	No	Yes
E.	P08 Loechler	113	Yes	No	No	Yes
H.	P08 Margolis	114	Yes	No	No	No
R.	P08 Miller	115	Yes	No	Yes	No
K.	P08 Poverman	116	No	Yes	No	Yes
B.	P08 Scotto	117	Yes	No	No	Yes
L.	P08 Sears	118	Yes	No		
M.	P08 Toomey	119	Yes	No	No	No
D.	P08 Weitzman	120	Yes	No	Yes	No
E.	P09 Bellis-Kates	121	Yes	No	Yes	No
L.	P09 Brooks	122	Yes	Yes	Yes	No
R.	P09 Fernandez	123	Yes	Yes	No	Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
P.	P09 Harris	124	Yes	No	No	Yes
N.	P09 Hinchey	125				
B.	P09 Jozwicki	126	Yes	No	No	Yes
J.	P09 Jozwicki	127	Yes	No	No	Yes
P.	P09 Katz	128				
R.	P09 Lepson	129	Yes	No	Yes	No
H.	P09 Rosenstein	130	Yes	No		No
M.	P09 Rosenthal	131	Yes	No		
C.	P09 Swartz	132	Yes	No	No	No
D.	P09 Tyndal	133	Yes	No		No
J.	P09 Vanderkay	134	Yes	No	No	No
G.	P09 White	135	Yes	Yes	No	Yes
M.	P10 Alperin	136	Yes	No	No	Yes
C.	P10 Ananian	137	Yes	No	Yes	No
C.	P10 Caro	138	Yes	No	No	Yes
F.	P10 Caro	139	Yes	Yes	No	Yes
J.	P10 Davis	140	Yes	Yes	No	No
L.	P10 Davis	141	Yes	Yes	No	No
H.	P10 Deak	142	Abstain	Yes		
B.	P10 Knable	143	Yes	Yes	No	Yes
D.	P10 La	144				
P.	P10 Lipson	145	Abstain	Yes	No	Yes
T.	P10 Scholnick	146	Yes	Yes	No	Yes
S.	P10 Shuman	147				
A.	P10 Spingarn	148	No	Yes		No

First Name	Last Name	Keypad	Article 20 - Main Motion 1	Article 22 - AC Substitute Motion 3	Article 10 - Motion for Referral 5	Articles 10 -14 Main Motion 6
N.	P10 Sweitzer	149	Yes	No	No	Yes
R.	P10 Wilson	150	Abstain	Abstain	No	Yes
C.	P11 Benedon	151	Yes	Abstain	No	Yes
S.	P11 Fischer	152				
S.	P11 Giora-Gorfajn	153	Yes	Yes	No	Yes
J.	P11 Goldsmith	154				
M.	P11 Gray	155	Yes	No	Yes	No
B.	P11 Jones-Dasent	156	Yes	Abstain	Abstain	Yes
D.	P11 Lescohier	157	Yes	Abstain	No	Yes
K.	P11 Lewis	158	Yes	Yes	No	Yes
D.	P11 Lowe	159	Yes	Abstain	No	Yes
R.	P11 Mautner	160				
A.	P11 McClelland	161	Yes	Yes	No	Yes
M.	P11 Moran	162				
D.	P11 Pollak	163	Yes	No		
B.	P11 Sheehan	164	Yes	Yes	No	
	P11 XX Open Seat	165				
S.	P12 Bruce	166	Yes	Yes	Yes	No
M.	P12 Burstein	167	Yes	No		No
L.	P12 Cooke-Childs	168	Yes		Yes	No
N.	P12 Daly	169	Yes	Yes	No	Yes
C.	P12 Ellis	170				
H.	P12 Friedman	171	No	Yes	No	No
J.	P12 Grand	172	Yes	Yes	No	Yes
S.	P12 Greenfield	173				

First Name	Last Name	Keypad	Article 20 - Main Motion 1	Article 22 - AC Substitute Motion 3	Article 10 - Motion for Referral 5	Articles 10 -14 Main Motion 6
C.	P12 Hatchett	174	Yes	Yes	No	Yes
A.	P12 Hummel	175	Abstain	Yes	No	Yes
J.	P12 Karon	176	Abstain	No		No
D.	P12 Klafter	177	Yes	No	No	No
M.	P12 Lowenstein	178	Abstain	Yes	No	Yes
J.	P12 Meyers	179	Yes	No	No	Yes
W.	P12 Slotnick	180				
M.	P13 Aschkenasy	181	Yes	Yes	No	No
J.	P13 Baker	182	Yes	No	No	Yes
C.	P13 Benka	183				
C.	P13 Chanyasulkit	184	Yes	Yes	No	Yes
J.	P13 Doggett	185		Yes	No	No
J.	P13 Fine	186	Abstain	Yes	Abstain	Abstain
A.	P13 Fischer	187	Yes	No	Yes	No
J.	P13 Freeman	188	Yes	Yes	No	Yes
F.	P13 Hoy	189	Yes	Yes	No	Yes
R.	P13 Kaplan	190				
W.	P13 Lohe	191	Yes	Yes	No	Yes
P.	P13 Saner	192	No	Yes	No	Yes
L.	P13 Selwyn	193				
B.	P13 Senecal	194	No	Yes	No	Yes
J.	P13 VanScoyoc	195		Yes	No	Yes
C.	P14 Brown	196	Abstain	Yes	No	Yes
D.	P14 Fishman	197	Yes	No		No
G.	P14 Fishman	198				

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
K.	P14 Goldstein	199	Yes	Yes	No	Yes
J.	P14 Kushner	200	Abstain	Yes	No	Yes
F.	P14 Levitan	201	No	Yes	No	Yes
R.	P14 Lipson	202	Yes	Yes	No	Yes
P.	P14 Lodish	203	Yes	Yes	No	Yes
S.	P14 Mittel	204	Yes	Yes	No	Yes
K.	P14 O'Connell	205	Yes	Yes	No	Yes
B.	P14 Rich	206				
L.	P14 Roseman	207	Yes	Yes	No	Yes
S.	P14 Schoffman	208	No	Yes	No	Yes
J.	P14 Segal	209	Yes	No	No	Yes
I.	P14 Silberberg	210	Yes	Yes	No	Yes
E.	P15 Berger	211				
A.	P15 Coffin	212				
J.	P15 Flanagan	213	Yes		No	Yes
J.	P15 Hall	214		Abstain	No	Yes
B.	P15 Hallowell	215				
J.	P15 Kahn	216	Yes	No		No
K.	P15 Knauf	217	Abstain	Yes		No
I.	P15 Krepchin	218	Abstain	No	Yes	No
R.	P15 Liao	219	Yes	No	No	No
R.	P15 Murphy	220	No	No	No	Yes
R.	P15 Nangle	221	Yes		No	No
D.	P15 Pearlman	222	Yes	Yes	No	No
J.	P15 Rourke	223	No	Yes		Yes

			Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
First Name	Last Name	Keypad	1	3	5	6
A.	P15 Sadeghi-Nejad	224	Abstain	Yes	No	No
C.	P15 Van der Ziel	225	Yes	No		No
S.	P16 Allaire	226	Yes	Abstain		No
A.	P16 Bowman	227	Yes		No	No
S.	P16 Chiumenti	228	No	Abstain		
R.	P16 Frawley	229	No			No
T.	P16 Gallitano	230	Abstain	Yes		No
S.	P16 Gladstone	231	Yes	Yes	No	No
J.	P16 Jette	232	Yes	Yes	No	No
A.	P16 Jonas	233	Yes	No	No	No
J.	P16 Leichtner	234	Yes	Yes	No	No
W.	P16 Pu	235	No		No	No
J.	P16 Safer	236	Abstain	Yes	No	No
I.	P16 Scharf	237	Yes	No	No	No
N.	P16 Shpritz	238	Yes	No	No	No
T.	P16 Sullivan	239	Yes	Yes	No	No
C.	P16 Thall	240	Yes	Yes	No	No
B.	TAL Franco	241	Yes	No	No	Yes
E.	TAL Gadsby	242	Abstain	Abstain	Abstain	Abstain
B.	TAL Greene	243	Yes	Yes	No	Yes
H.	TAL Hamilton	244	Yes	Abstain	No	Yes
N.	TAL Heller	245	Yes	No	No	Yes
Hon. F.	TAL Smizik	246				
P.	TAL Ward	247	Abstain	Abstain	Abstain	Abstain
N.	TAL Wishinsky	248	Yes	Yes	No	Yes

First Name	Last Name	Keypad	Article 20 - Main Motion	Article 22 - AC Substitute Motion	Article 10 - Motion for Referral	Articles 10 -14 Main Motion
			1	3	5	6
		Total 1 = Yes	168	116	29	112
		Total 2 = No	14	81	158	85
		Total 3 = Abstain	23	11	6	7
		Total Voters	205	208	193	204
		Total Yes + No	182	197	187	197
		% Yes	92.31%	58.88%	15.51%	56.85%
		% No	7.69%	41.12%	84.49%	43.15%
		Pass Threshold	50.00%	50.00%	50.00%	66.66%
		Pass/Fail	Pass	Pass	Fail	Fail