

TOWN OF BROOKLINE



MINUTES SPECIAL TOWN MEETING NOVEMBER 13, 2018

MINUTES OF THE SPECIAL TOWN MEETING

NOVEMBER 13, 2018

Pursuant to the Warrant of the Select Board, served according to law upon the inhabitants of the Town of Brookline by a Constable of said Town and pursuant to Section 2.1.5 (Notice of Meetings) of the General By-laws of the Town of Brookline, and written notices sent by the Select Board, at least fourteen days before the meeting to the Town Meeting Members qualified to act in Town Meetings in Brookline under the provisions of Chapter 43A of the General Laws of the Commonwealth, as amended, and accepted by the Town of Brookline on March 10, 1942, the Town Meeting Members, so qualified, met at the Roberts-Dubbs Auditorium at Brookline High School in said Town on Tuesday, November 13, 2018 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 and received their electronic recording device.

At seven o'clock, the Checkers reported that one hundred and thirty (131) signatures of Town Meeting Members had been checked, or more than one-half of all qualified Town Meeting Members, and the Town Clerk reported to the Moderator that a quorum was present.

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

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

The Moderator commented on how important state and local government is to our nation by maintaining the traditions of democracy that we so enjoy, He added that Town Meeting is a great part of this process. He asked Town Meeting Members to bear in mind, as we go through the Warrant, that what we do here is a fundamental part of what keeps the flame of democracy burning.

The Moderator Edward N. Gadsby, Jr. – TMM #AL then made several announcements concerning seating, and the operation of the electronic recording devices.

He added that Town Meeting will deal with the articles in the order as they appear in the Warrant, with one exception, The Moderator called for a motion to move Article Twenty-one as the first item of business this evening.

Upon motion made and duly seconded, it was UNANIMOUSLY

VOTED: To move Article Twenty-One as the first order of business.

The Moderator then noted that there is a second Town Meeting scheduled for 7:30 P.M. to deal with the siting of marijuana locations. He stated that we will go directly to that when we finish whatever item of business we are dealing with at 7:30 P.M. The Moderator added that there will be a single debate on Articles Six through Nine, dealing with the Carlton Street Footbridge and there will be no debate under Articles Eleven through Sixteen, dealing with Hancock Village. The Moderator then conducted a mock vote to test the electronic recorded voting system.

TWENTY-FIRST ARTICLE

Submitted by: Girl Scout Troop 62558, Maria Arado-McDonald, Ann Kamensky

To see if the Town will vote to adopt the following resolution:

EVERYTHING SHOULD HAVE A HOME. A RESOLUTION TO ENCOURAGE BROOKLINE RETAILERS TO DONATE UNSOLD MERCHANDISE

A new Resolution for the Town of BROOKLINE encouraging the donation of unopened and unused commercial items for sale within the Town, rather than inclusion of such items in commercial single-stream waste disposal programs.

§ 1. FINDINGS AND INTENT

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, commercial entities operating within the Town are required to comply with comprehensive waste disposal regulations; and

WHEREAS, as an element of many waste disposal compliance plans, local commercial entities engage in so-called "single-stream" recycling, whereby all recyclable material is disposed in a single container, which is transported to a remote site for sorting; and

WHEREAS, Girl Scout 62558 has learned that some commercial entities include new, unopened, and unused materials into the shops dumpsters, particularly seasonal materials (i.e. clothing, shoes, school supplies); and

WHEREAS, downstream processing of recyclable materials adds energy and other environmental costs; and

WHEREAS, donation of new, unopened and unused items to charities within our Commonwealth would directly benefit its neediest residents; and

WHEREAS, commercial entities would directly benefit from a smaller trash bill and tax write off for donating to nonprofits

WHEREAS, donations are generally subject to favorable tax treatment;

WHEREAS, when acting on this Resolution, retail stores will get a decal to display stating, "this store does more about going green," allowing customers to know about the stores commitment to eliminating environmental waste and helping those in need.

NOW THEREFORE BE IT RESOLVED THAT the Town shall establish a voluntary donation program whereby businesses operating within the Town segregate new, unopened and unused items from being tossed into the store dumpsters and allow charities operating within the Commonwealth reasonable opportunity to inspect, accept and transport any such items prior to inclusion in the commercial trash stream, with such program encouraging the following:

- 1) Stores work with non-profit organizations to donate unsold merchandise.
- 2) Stores will receive a decal, to display, stating, "This store does more about going GREEN"
- 3) This action will reduce the environmental impact of unsold merchandise being placed in the trash stream, and
- 4) Unsold merchandise will be redirected to help a person in need.

Or act on anything relative thereto

Maria Arado-McDonald, a citizen of the Town of Brookline, co-petitioner and Troop Leader for Girl Scout Troop #62558 stated that this article encourages local businesses to donate unused and unopened items to charity instead of disposing it as commercial trash. It benefits those in need as well as the environment. Ms. Arado-McDonald stated that she is very proud of the seven girls in her troop. They saw a problem and tried to solve it. She added that they have been working on this issue diligently since last March when they had discovered the problem. She stated that they contacted both businesses and Town officials in order to develop this proposed resolution.

Four members of Brookline Girl Scout Troop #62558 stated that a number of businesses in Town throw away items into the trash and write-off their value as a loss. These items include clothing, hats and school supplies. They stated that these items could

be better directed to those in need and it would treat the environment better if this resolution were adopted.

Janet Gelbart, an At-Large Member of the Advisory Committee, speaking on behalf of a unanimous Advisory Committee stated that these girls saw a problem, said something about it and acted on it. Ms. Gelbart stated that it's now Town Meeting's turn to act and urged favorable action on Article Twenty-One.

Nancy S. Heller – TMM #AL, for a unanimous Select Board, stated that these girls identified a problem that contributes to the mountains of waste that we generate. These children are simply not willing to accept the status quo. They are standing up for the good of the environment and at the same time they are caring for those among us with unmet needs. Ms. Heller asked Town Meeting to applaud these young ladies for their initiative, thoughtfulness and perseverance and urged them to vote favorable action on Article Twenty-One.

Representative-Elect Tommy Vitollo – TMM #6 stated that we live in a world full of waste, as well as a world full of want. He stated that seven Girl Scouts, wise beyond their years, observed this joint phenomenon. He added that these girls just didn't connect the dots and shrug, they brought their concerns to their Troop Leaders and they set off to solve the problem. Mr. Vitollo stated that these seven leaders are here before us this evening to ask us for our help in advertising and facilitating the transfer of these products across our community. Mr. Vitollo urged favorable action on Article Twenty-One.

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

VOTED: That the Town adopt the following resolution:

EVERYTHING SHOULD HAVE A HOME. A RESOLUTION TO ENCOURAGE BROOKLINE RETAILERS TO DONATE UNSOLD MERCHANDISE

A new Resolution for the Town of BROOKLINE encouraging the donation of unopened and unused commercial items for sale within the Town, rather than inclusion of such items in commercial single-stream waste disposal programs.

§ 1. FINDINGS AND INTENT

WHEREAS, the Town has a duty to protect the natural environment, the economy, and the health of its citizens; and

WHEREAS, commercial entities operating within the Town are required to comply with comprehensive waste disposal regulations; and

WHEREAS, as an element of many waste disposal compliance plans, local commercial entities engage in so-called "single-stream" recycling, whereby all recyclable material is disposed in a single container, which is transported to a remote site for sorting; and

WHEREAS, Girl Scout Troop 62558 has learned that some commercial entities include new, unopened, and unused materials into the shops' dumpsters, particularly seasonal materials (i.e. clothing, shoes, school supplies); and

WHEREAS, downstream processing of recyclable materials adds energy and other environmental costs; and

WHEREAS, donation of new, unopened and unused items to charities within our Commonwealth would directly benefit its neediest residents; and

WHEREAS, commercial entities would directly benefit from a smaller trash bill and tax write off for donating to nonprofits

WHEREAS, donations are generally subject to favorable tax treatment;

WHEREAS, when acting on this Resolution, retail stores may display a decal stating, "this store does more about going green," allowing customers to know about the stores commitment to eliminating environmental waste and helping those in need.

NOW THEREFORE BE IT RESOLVED THAT Town Meeting encourages local businesses to develop voluntary donation programs whereby businesses operating within the Town segregate new, unopened and unused items from being tossed into the store dumpsters and allow charities operating within the Commonwealth reasonable opportunity to inspect, accept and transport any such items prior to inclusion in the commercial trash stream, with such programs encouraging the following:

- 1) Stores work with non-profit organizations to donate unsold merchandise.
- 2) Stores may display a decal which states, "This store does more about going GREEN"
- 3) This action will reduce the environmental impact of unsold merchandise being placed in the trash stream, and
- 4) Unsold merchandise will be redirected to help a person in need.

FIRST ARTICLE

Submitted by: Select Board

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

or act on anything relative thereto.

Upon motion of Heather Hamilton – TMM #AL, for the Select Board and seconded by John Doggett – TMM #13, for the Advisory Committee, it was UNANIMOUSLY

VOTED: That NO ACTION be taken under Article One.

SECOND ARTICLE

Submitted by: Human Resources

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

or act on anything relative thereto.

Upon motion of Neil Wishinsky – TMM #AL, for the Select Board and seconded by Sean Lynn-Jones – TMM #1, for the Advisory Committee, it was UNANIMOUSLY

VOTED: That NO ACTION be taken under Article Two.

THIRD ARTICLE

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2019 budget or transfer funds between said accounts;
- B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Select Board, except in the case of the School Department Budget, and with regard to the School Department, the School

Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

- C) Appropriate \$207,442.50, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure.
- D) Appropriate \$500,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water and sewer related repairs to the Brookline Reservoir.
- E) Appropriate \$1,500,000 to be expended under the direction of the Building Commissioner, with any necessary contracts to be approved by the Select Board and the School Committee, for the schematic design services to construct or expand a school as determined by the outcome of the 9th School feasibility study.

or act on anything relative thereto.

Sean Lynn-Jones – TMM #1, on behalf of the Advisory Committee, stated that now is that time again to make changes to the budget as a result of the Town receiving new information – generally, additional state aid and increase in expenses. Mr. Lynn-Jones reviewed the various line items that were debated by the Advisory Committee including the school budget; ride share revenues; new positions in both the Comptroller’s office and Legal Services office; the Water and Sewer Enterprise Fund; repairs to the Brookline Reservoir; shortfalls in parking meter revenues; a Fire Department breathing apparatus filling station; and maintenance for AED’s in Town buildings. Mr. Lynn-Jones stated that the Advisory Committee unanimously recommends favorable action on Items 3-A thru D and Unanimously recommends no action on Item 3-E with the understanding that this issue will be taken up at the December 2018 Town Meeting.

Arthur Wellington Conquest III – TMM #6, on behalf of the Brookline Adult, and Community Education (BACE) Program, stated that his sole purpose is making things right and legal regarding the revolving fund account. Mr. Conquest raised concern over the School Department borrowing from the BACE Revolving Fund and not paying it back. Mr. Conquest added that an independent auditor must return \$483,000 to the BACE Revolving Fund. Mr. Conquest stated that there must also be some control put in place where the Comptroller cannot transfer monies from the BACE Revolving Fund without the express approval from the BACE Advisory Board.

David M. Pollak – TMM #11 and Chairman of the School Committee, stated that BACE is a valued program for our schools and for the Town. Mr. Pollak also stated that the School Department had requested the Town’s auditors to review this practice and were told that it cannot be done. He added that while the unanticipated expenses and their

effect on nth budget were unfortunate, there is a silver lining because since the School Department's budget has become more line-itemed and disciplined, we at least can now see these problems and begin to deal with them.

Neil A. Wishinsky – TMM #AL, for the Select Board, stated the Town is fortunate that things have been going well with the state and that we have been able to share in some of that largesse – Brookline's share being an additional \$509,000. Mr. Wishinsky also added that the timing of the ride-sharing monies were an unanticipated source of revenues. Mr. Wishinsky then introduced Brookline's new Chief of Police Andrew Lipson and new Assistant Town Administrator Justin Cassanova-Davis. Mr. Wishinsky then reviewed the status of Brookline's marijuana retail facilities, pointing out that NETA will open in a couple of weeks, becoming the first marijuana retailer to open within Route 128.

Linda Olson Pehlke - TMM #2, stated that she wished to comment on the ride-sharing revenues, saying that she was pleased that the Town was investing those monies in pedestrian safety improvements. Ms. Pehlke asked how the Town's ride-sharing usage compares to other communities in the area.

Christopher Dempsey – TMM #6 and Chairman of the Transportation Board, stated that Brookline ranks fourth in the Commonwealth behind Boston, Cambridge and Somerville.

Clifford Scott Ananian – TMM #10 asked if the parking meter upgrades, regarding the convenience fees, had been timely implemented and whether the issue regarding overnight meters not recognizing the first coin had been resolved.

Finance Director Jeana A. Franconi stated that \$70,000 is to cover the first three months of the fiscal year where the convenience fee was not charged until the software upgrade was made to the meter heads.

Transportation Administrator Todd Kirrane stated that the Town became aware of a programming error in a select number of meters in the overnight guest lots. Mr. Kirrane added that the error has since been rectified.

Several additional questions and comments were made regarding the funding of students from Puerto Rico; dangerous pedestrian crossings; and the possibility of PSA's or educational programs concerning roadway safety.

Upon motion made by Neil A. Wishinsky – TMM #AL and seconded by Sean Lynn-Jones – TMM #1, it was UNANIMOUSLY

VOTED: That the Town:

1. Amend the FY2019 budget as shown below and in the attached Amended Tables I and II:

| ITEM # | ORIGINAL BUDGET | PROPOSED CHANGE | AMENDED BUDGET |
|-------------------------------|-----------------|-----------------|----------------|
| 5 a. Comptroller | \$621,748 | \$62,533 | \$684,281 |
| 5 d. Treasurer | \$1,136,933 | \$70,000 | \$1,206,933 |
| 6. Legal Services | \$1,011,329 | \$50,813 | \$1,062,142 |
| 11. Fire Department | \$15,377,759 | \$25,000 | \$15,402,759 |
| 15. Health and Human Services | \$1,228,332 | \$5,400 | \$1,233,732 |
| 21 Schools | \$110,831,679 | -\$173,424 | \$110,658,255 |
| 23 b. Group Health | \$30,725,287 | \$20,952 | \$30,746,239 |
| 32. Town Meeting | \$35,000 | \$20,000 | \$55,000 |
| | | | |

- 2) Amend Section 7 (Water and Sewer Enterprise Fund) of Article 7 of the 2018 Annual Town Meeting so it reads as follows:

7.) WATER AND SEWER ENTERPRISE FUND: The following sums, totaling \$28,554,309, shall be appropriated into the Water and Sewer Enterprise Fund, and may be expended under the direction of the Commissioner of Public Works for the Water and Sewer purposes as voted below:

| | Water | Sewer | Total |
|----------------------|--------------------|------------------|--------------------|
| Salaries | \$2,290,077 | \$431,104 | \$2,721,180 |
| Purchase of Services | \$190,598 | \$163,200 | \$353,798 |
| Supplies | \$102,020 | \$21,000 | \$123,020 |
| Other | \$8,900 | \$1,680 | \$10,580 |
| Utilities | \$101,865 | \$0 | \$101,865 |
| Capital | \$671,800 | \$389,000 | \$1,060,800 |
| Intergovernmental | \$7,037,965 | \$12,898,264 | \$19,936,229 |
| Debt Service | \$285,413 | \$1,348,047 | \$1,633,460 |
| Reserve | <u>\$131,732</u> | <u>\$167,528</u> | <u>\$299,260</u> |
| Total Appropriations | \$10,820,369 | \$15,419,822 | \$26,240,192 |
| | | | |
| Indirect Costs | <u>\$1,840,322</u> | <u>\$473,795</u> | <u>\$2,314,117</u> |
| | | | |
| Total costs | \$12,660,691 | \$15,893,617 | \$28,554,309 |

Total costs of \$28,554,309 to be funded from water and sewer receipts with \$2,314,177 to be reimbursed to the General Fund for indirect costs.

- 3) Appropriate \$500,000 to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, for water and sewer related repairs to the Brookline Reservoir and to meet the appropriation transfer \$500,000 from retained earnings of the Water and Sewer Fund.
- 4) Appropriate \$207,442.50, to be expended under the direction of the Commissioner of Public Works, with any necessary contracts over \$100,000 to be approved by the Select Board, to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure and to meet the appropriation transfer \$207,442.50 from the Transportation Network Company special revenue account.

FOURTH ARTICLE

Submitted by: Select Board

To see if the Town will vote to release for expenditure the funds appropriated under Section 13, Special Appropriation No. 65 of Article 7 of the 2018 Annual Town Meeting as provided in said appropriation.

Or act on anything relative thereto. Upon motion made by Neil A. Wishinsky – TMM #AL and seconded by Sean Lynn-Jones – TMM #1, it was UNANIMOUSLY

VOTED: That NO ACTION be taken under Article Three-E and Article Four.

At 8:05 PM, upon motion made and duly seconded, the Special Town Meeting, called for 7:00 PM, was UNANIMOUSLY adjourned and the Moderator Edward N. Gadsby, Jr. – TMM #AL called the Second Special Town Meeting, called for 7:30 PM, to order and acknowledged the proper posting of the Warrant and that a quorum was present.

FIRST ARTICLE

Submitted by: Select Board

To see if the Town will amend §4.13 of the Town's Zoning By-law (Marijuana Establishments) by deleting §4.13 5.E.5 and replacing it with the following (language to be deleted ~~struck out~~, language to be added underlined and bolded):

E. Additional Location Requirements for Marijuana Establishments

~~5. Density requirements for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers shall be:~~

- a. ~~A minimum of 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer if any portion of the establishment is located at street level.~~
- b. ~~Allowed within 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer above or below street level as long as the Zoning Board of Appeals determines that doing so will not have a detrimental impact on the vibrancy of the streetscape and all other applicable requirements are satisfied (applicable to uses 29A and 29B).~~
- c. ~~Measured from lot boundary to lot boundary.~~

5. Density requirements for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers shall be:

- a. **A minimum of 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer. (applicable to uses 29A and 29B)**
- b. **Measured from lot boundary to lot boundary.**

Or act on anything relative thereto.

Neil A. Wishinsky – TMM #AL, for the Select Board, stated that during the application process for marijuana retailers he had noticed a loophole in the siting of these facilities. This loophole would allow two retail sites – one above the other. Mr. Wishinsky stated that if this proposed change takes place it would prevent such occurrences going forward. Mr. Wishinsky added that the Select Board is split 3-2 on this proposal. He stated that a minority of the Board felt that the Zoning By-Laws had sufficient tools and requirements to mitigate the effects of two retailers being so close to each other.

Carol S. Levin, an At-Large Member of the Advisory Committee, stated the Advisory Committee focused on what was the original intent of the zoning by-law. The Committee determined that it was to encourage the distribution of these retailers so as to ensure they are evenly located within the Town and not have them all located in one particular area but that it also does support second floor retailers. Ms. Levin stated that the Advisory Committee, therefore, urged favorable action under Article One.

Janice S. Kahn – TMM #15 asked if such a knee-jerk reaction leads to the best legislative decisions. Ms. Kahn stated that closing this loophole is any better than the law that is already on the books. She urged no action under Article One.

Steven A. Heikin, Chairman of the Planning Board, stated that while this proposed legislation comes too late for the two retailers on Commonwealth Avenue, the Planning Board believes that it's a circumstance worth avoiding in the future, and therefore, urges favorable action under Article One.

Jane C. Gilman – TNMM #3 asked if this Article could be tabled over until the December Special Town Meeting since there wasn't enough time to review the matter properly. The Moderator Edward N. Gadsby, Jr. – TMM #AL stated that this Article could not be tabled to December since the Warrant for the December Special Town Meeting had already been published.

There was a request from the floor for an Electronic Recorded Vote to be taken under Article One. More than thirty-five Town Meeting Members stood in support of that request.

Upon motion of Neil A. Wishinsky - TMM #AL and seconded by Sean M. Lynn-Jones – TMM #1, a Two-Thirds Vote being required, it was by an ELECTRONIC RECORDED VOTE OF 134 IN FAVOR, 58 OPPOSED AND 17 ABSTENTIONS

[SEE ADDENDUM]

VOTED: That the Town amend §4.13 of the Town's Zoning By-law (Marijuana Establishments) by deleting §4.13 5.E.5 and replacing it with the following (language to be deleted ~~struck out~~, language to be added underlined and bolded):

E. Additional Location Requirements for Marijuana Establishments

~~5. Density requirements for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers shall be:~~

~~d. A minimum of 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer if any portion of the establishment is located at street level.~~

- e. ~~Allowed within 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer above or below street level as long as the Zoning Board of Appeals determines that doing so will not have a detrimental impact on the vibrancy of the streetscape and all other applicable requirements are satisfied (applicable to uses 29A and 29B).~~
- f. ~~Measured from lot boundary to lot boundary.~~

5. Density requirements for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers shall be:

- c. **A minimum of 200 feet from another Social Consumption Marijuana Retailer issued a primary use license or Storefront Marijuana Retailer. (applicable to uses 29A and 29B)**
- d. **Measured from lot boundary to lot boundary.**

At 8:18 PM, upon motion made and duly seconded, it was by a MAJORITY

VOTED: To dissolve the Special Town Meeting called for November 13, 2019 at 7:30 PM.

At the close of the meeting the checkers reported that the names of Two Hundred and Fourteen (214) Town Meeting Members had been checked as present at this meeting.

At 8:19 PM the Moderator called back to order the Special Town Meeting called for November 13, 2018 at 7:00 PM.

Submitted by: Planning and Community Development

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

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO GRANT 12 ADDITIONAL LICENSES FOR THE SALE OF ALL ALCOHOLIC BEVERAGES TO BE DRUNK ON THE PREMISES.

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

SECTION 1. (a) Notwithstanding section 17 of chapter 138 of the General Laws, the licensing authority of the town of Brookline may grant 12 additional licenses for the sale of all alcoholic beverages to be drunk on the premises pursuant to section 12 of said chapter 138 to establishments located within the town's four Target Commercial Areas, as those areas are defined by the town's zoning map, as it existed as of January 31, 2018, upon approval of and under conditions set by the licensing authority of the town of Brookline. A license granted pursuant to this act shall be clearly marked on its face "Target Commercial Area, Brookline Village" or "Target Commercial Area, Coolidge Corner" or "Target Commercial Area, JFK Crossing" or "Target Commercial Area, Washington Square" and shall be subject to all of said chapter 138 except said section 17.

(b) The licensing authority shall restrict the 12 licenses authorized in this section to four Target Commercial Areas as follows:

(1) Three licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Brookline Village Target Commercial Area, which shall include parcels on and immediately bordering River Road, Brookline Avenue, Pearl Street, White Place, Station Street, Washington Street, Holden Street, Linden Street and intersecting Harvard Street, as the borders and encompassing all property therein, as those areas are shown on the map; provided, however, that for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated as "Brookline Village", dated January 31, 2018, a copy of which is on file in the office of the Brookline town clerk;

(2) Five licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Coolidge Corner Target Commercial Area, which shall include parcels on and immediately bordering Waldo Street, Harvard Street, Centre Street, Webster Street, and intersecting Beacon Street, as the borders and encompassing all property therein, as those areas are shown on the map; provided, however, that for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated as "Coolidge Corner", dated January 31, 2018, a copy of which is on file in the office of the Brookline town clerk;

(3) One license for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the JFK Crossing Target Commercial Area, which shall include parcels on and immediately bordering Columbia Street, Thorndike Street, Coolidge Street, Fuller Street, Clarence Street, Centre Street, and intersecting Harvard Street, as the borders and encompassing all property therein, as those areas are shown on the map; provided, however, that for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated as “JFK Crossing”, dated January 31, 2018, a copy of which is on file in the office of the Brookline town clerk; and

(4) Three licenses for the sale of all alcoholic beverages to be drunk on the premises shall be issued to the entities within the Washington Square Target Commercial Area, which shall include parcels on and immediately bordering Salisbury Road, Westbourne Terrace, Washington Street, Winthrop Road, and Tappan Street and intersecting Beacon Street, as the borders and encompassing all property therein, as those areas are shown on the map; provided, however, that for the purposes of this paragraph, map shall mean the parcel specific corridor areas designated as “Washington Square”, dated January 31, 2018, a copy of which is on file in the office of the Brookline town clerk.

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

(d) The licensing authority of the town of Brookline shall not approve the transfer of a license granted pursuant to this section to a location outside of the town’s four Target Commercial Areas, but it may grant a license to a new applicant within the four Target Commercial Areas if the applicant files with the licensing authority a letter from the department of revenue and a letter from the department of unemployment assistance indicating that the license is in good standing with those departments and that all applicable taxes, fees and contributions have been paid.

(e) The licenses assigned to the four Target Commercial Areas shall not be sold or transferred by the licensee. If a licensee terminates or fails to renew a license granted under this section or if any such license is cancelled, revoked or no longer in use, it shall be returned physically, with all of the legal rights, privileges and restrictions pertaining thereto, to the licensing authority and the licensing authority may then grant the license to a new applicant in the town’s four Target Commercial Areas under the same conditions as specified in this section.

(f) All licenses granted pursuant to this act shall be issued within 2 years after the effective date of this act; provided, however, that a license originally granted within that time period may be granted to a new applicant pursuant to subsection (d) or (e) thereafter.

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

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

Upon motion of Bernard W. Greene – TMM #AL and seconded by Alisa G. Jonas – TMM #16, it was UNANIMOUSLY

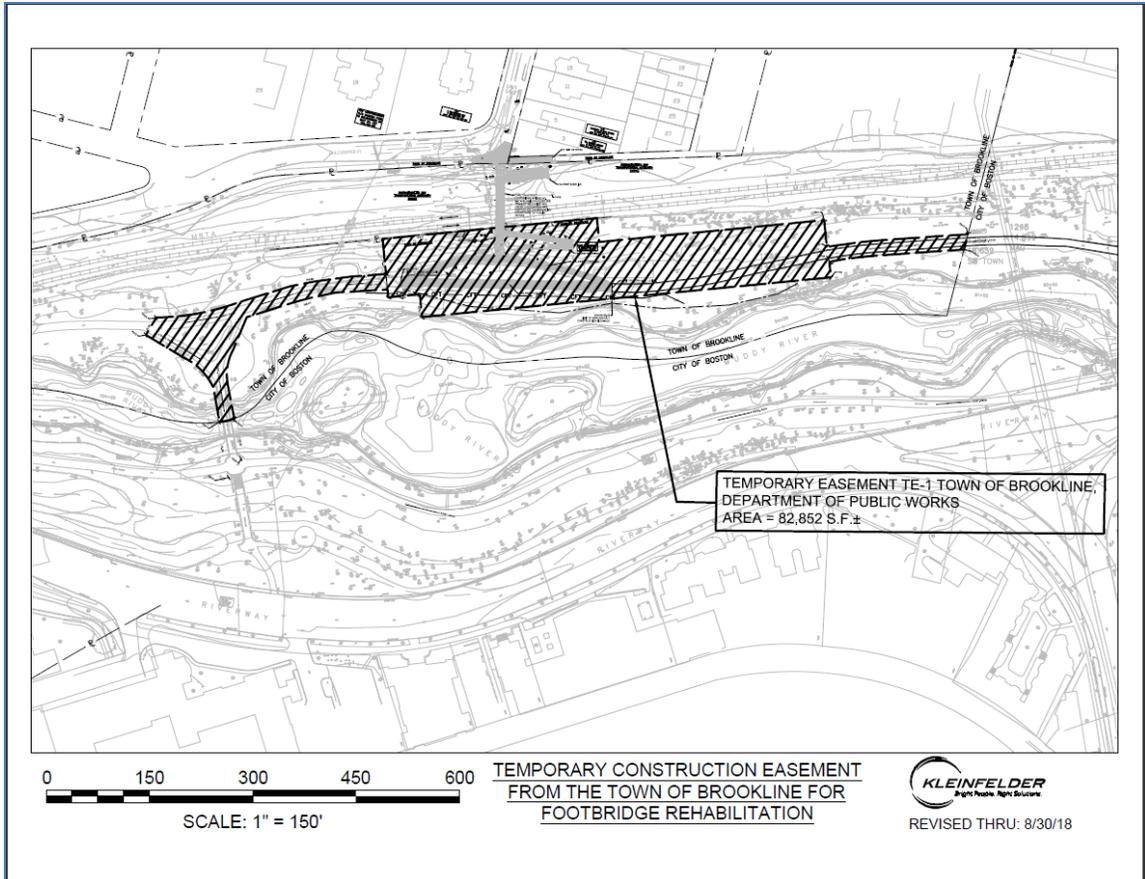
VOTED: That NO ACTION be taken under Article Five.

SIXTH ARTICLE

Submitted by: Department of Public Works

Exhibit TE-1: Plan as referenced in the article

To see if the Town will vote to authorize the Select Board to grant and acquire, as necessary, a temporary construction easement on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM THE TOWN OF BROOKLINE FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein, or act on anything relative thereto.



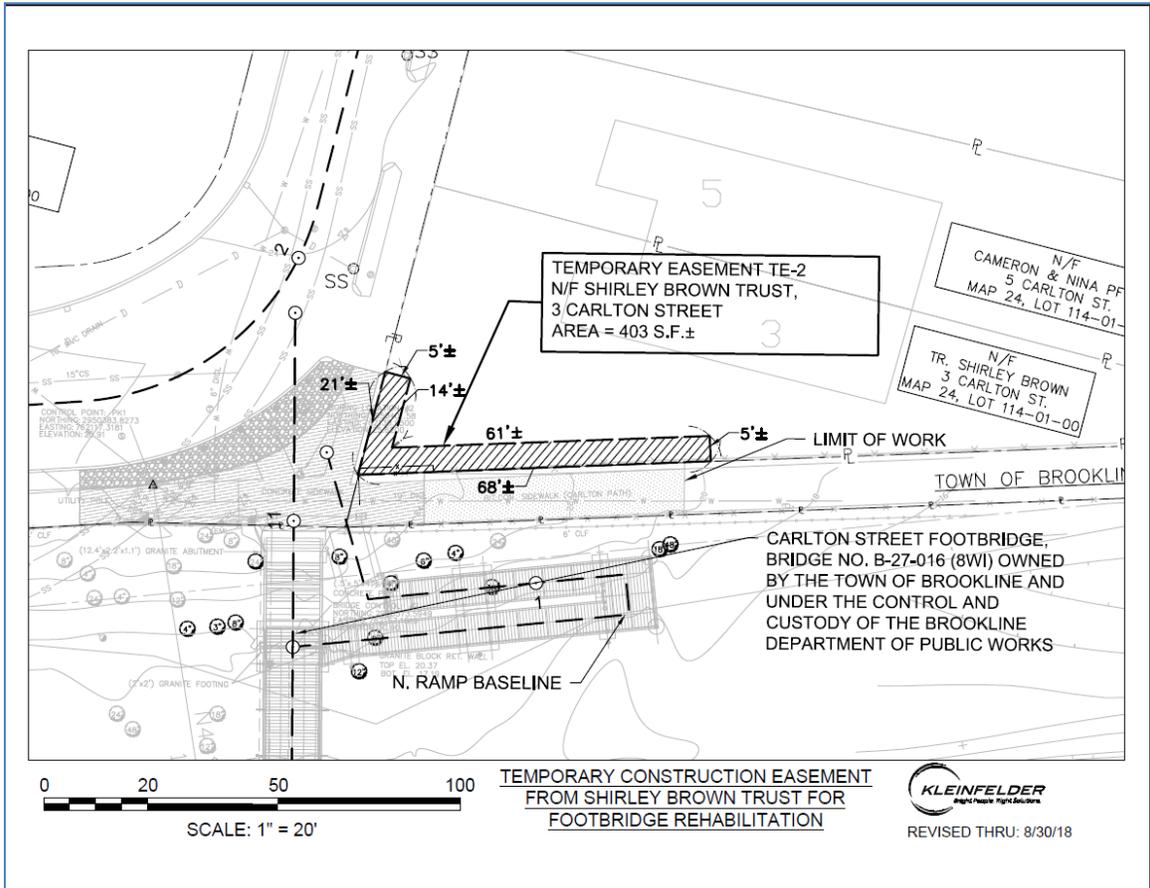
SEVENTH ARTICLE

Submitted by: Department of Public Works

Exhibit TE-2: Plan as referenced in the article

To see if the Town will vote to acquire by gift, purchase, eminent domain or otherwise, on such terms and conditions as the Select Board shall deem to be in the best interests of the Town, a temporary easement on the parcel of land shown on plan entitled **“TEMPORARY CONSTRUCTION EASEMENT FROM SHIRLEY BROWN TRUST FOR FOOTBRIDGE REHABILITATION”** prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk, for public way and park improvement purposes, including, but not limited to the construction, alteration, maintenance, improvement, repair and/or replacement of pedestrians bridges, roads, sidewalks, driveways, pathways and landscaping; and, further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, if needed, a sum or sums of money

therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein, or act on anything relative thereto.



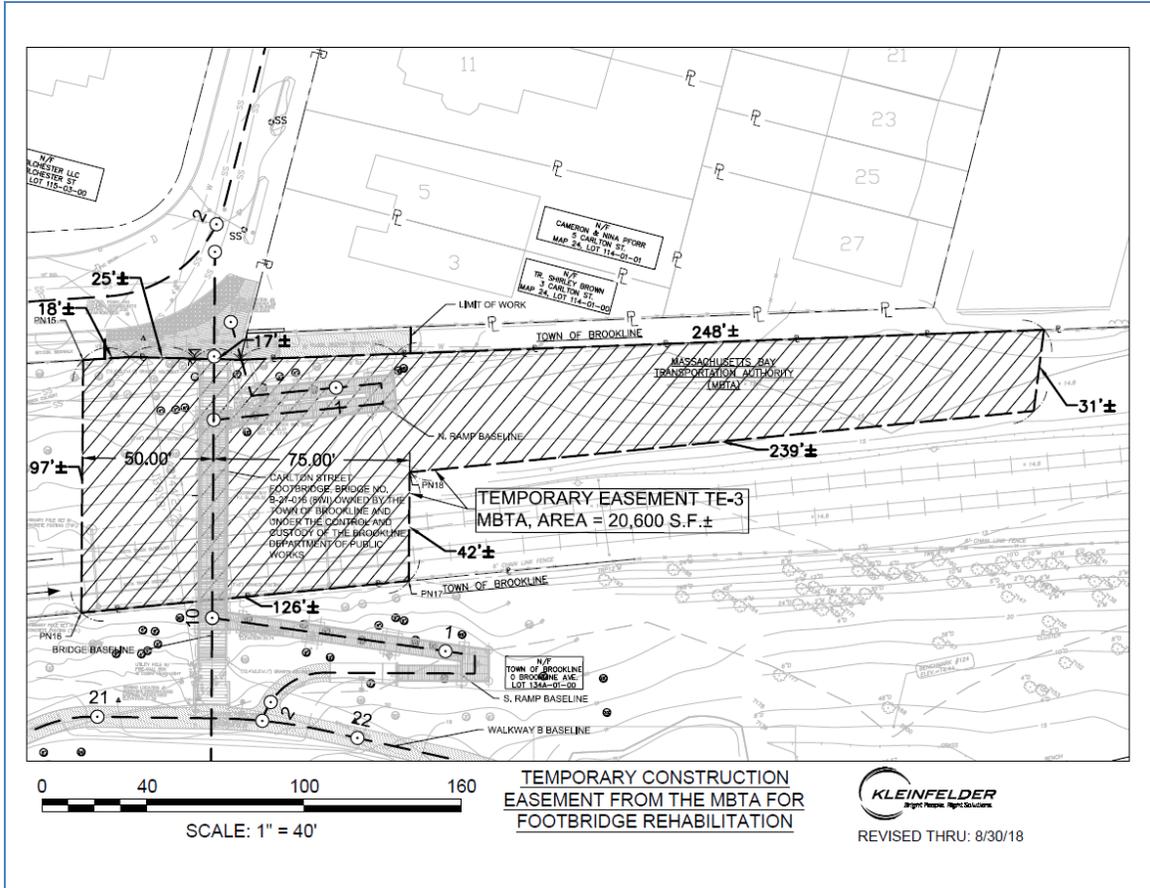
EIGHTH ARTICLE

Submitted by: Department of Public Works

Exhibit TE-3: Plan as referenced in the article

To see if the Town will vote to authorize the Select Board to acquire, if necessary, a temporary construction easement from the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM THE MBTA FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the Select Board to enter into all agreements and take all related actions

necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein, or act on anything relative thereto.



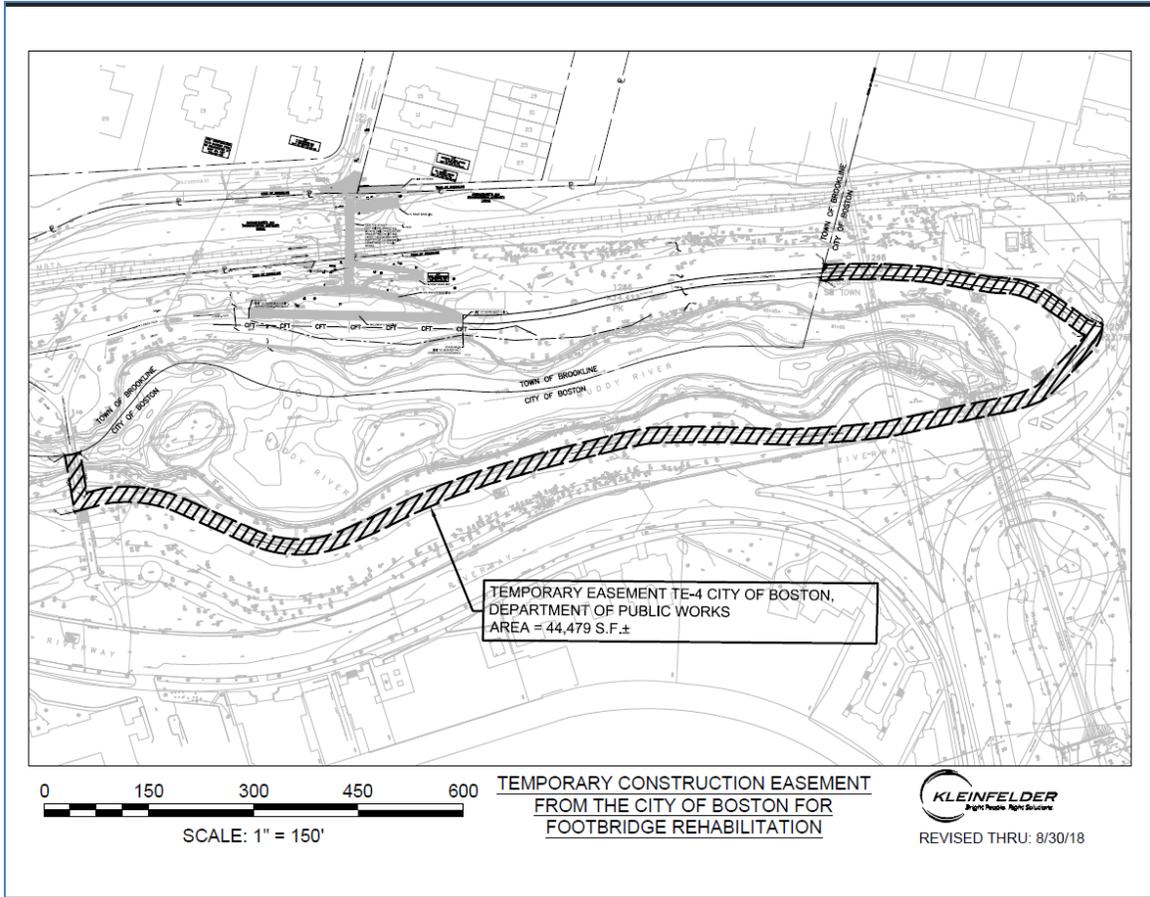
NINETH ARTICLE

Submitted by: Department of Public Works

Exhibit TE-4: Plan as referenced in the article

To see if the Town will vote to authorize the Select Board to acquire, as necessary, a temporary construction easement from the City of Boston, Parks and Recreation Department, on City property comprising a part of Riverway Park, for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the

Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein, or act on anything relative thereto.



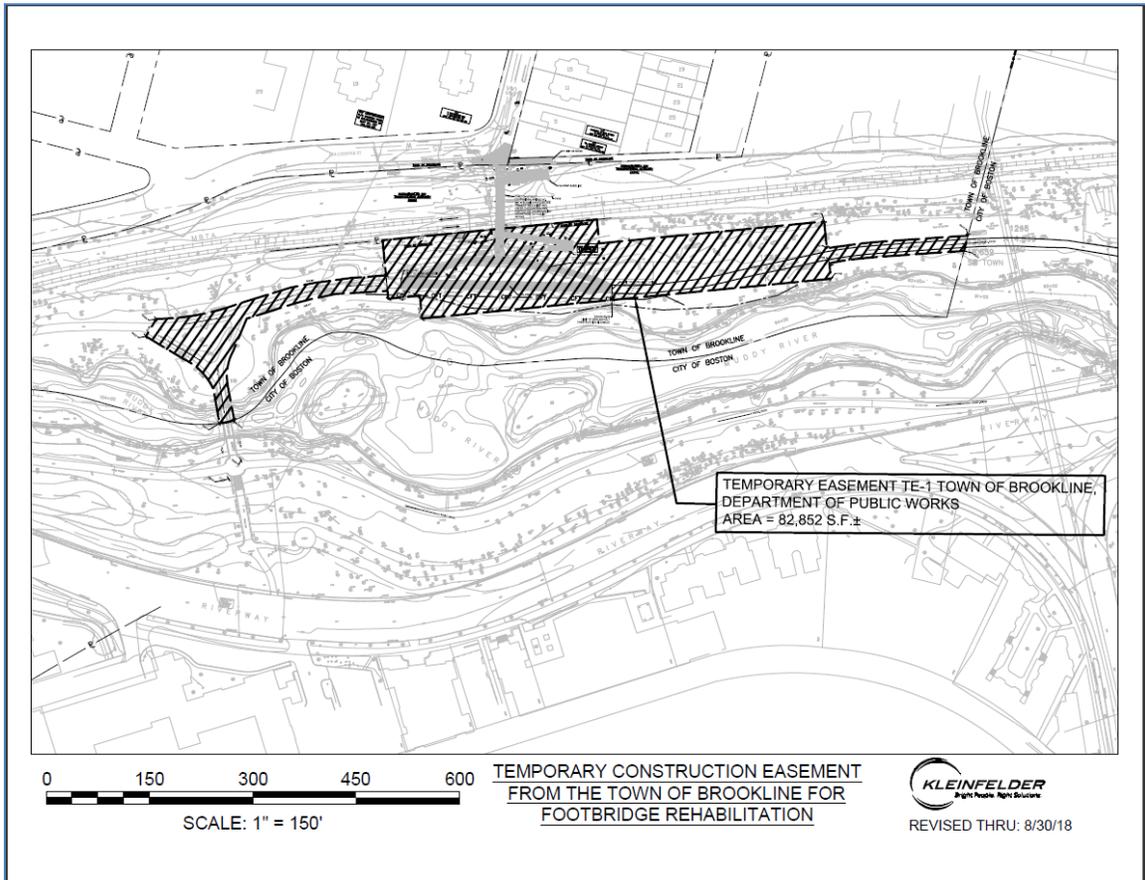
The Moderator Edward N. Gadsby, Jr. – TMM #AL stated that Articles Six through Nine deal with easements necessary to reconstruct the Carlton Street Footbridge. The Moderator added that there will be a single debate under all four articles and unless there is a motion to divide the question, that there will be a single vote.

Benjamin J. Franco – TMM #AL, for the Select Board, stated that Articles Six through Nine authorize the granting of temporary construction easements for the reconstruction of the Carlton Street Footbridge. Mr. Franco noted that the Town is obligated to reconstruct the footbridge as part of the larger Muddy River Restoration and Flood Control Project. Mr. Franco added that none of these easements require further financial commitment other than what is already in the construction budget. Mr. Franco urged favorable action on the motions offered under Articles Six through Nine.

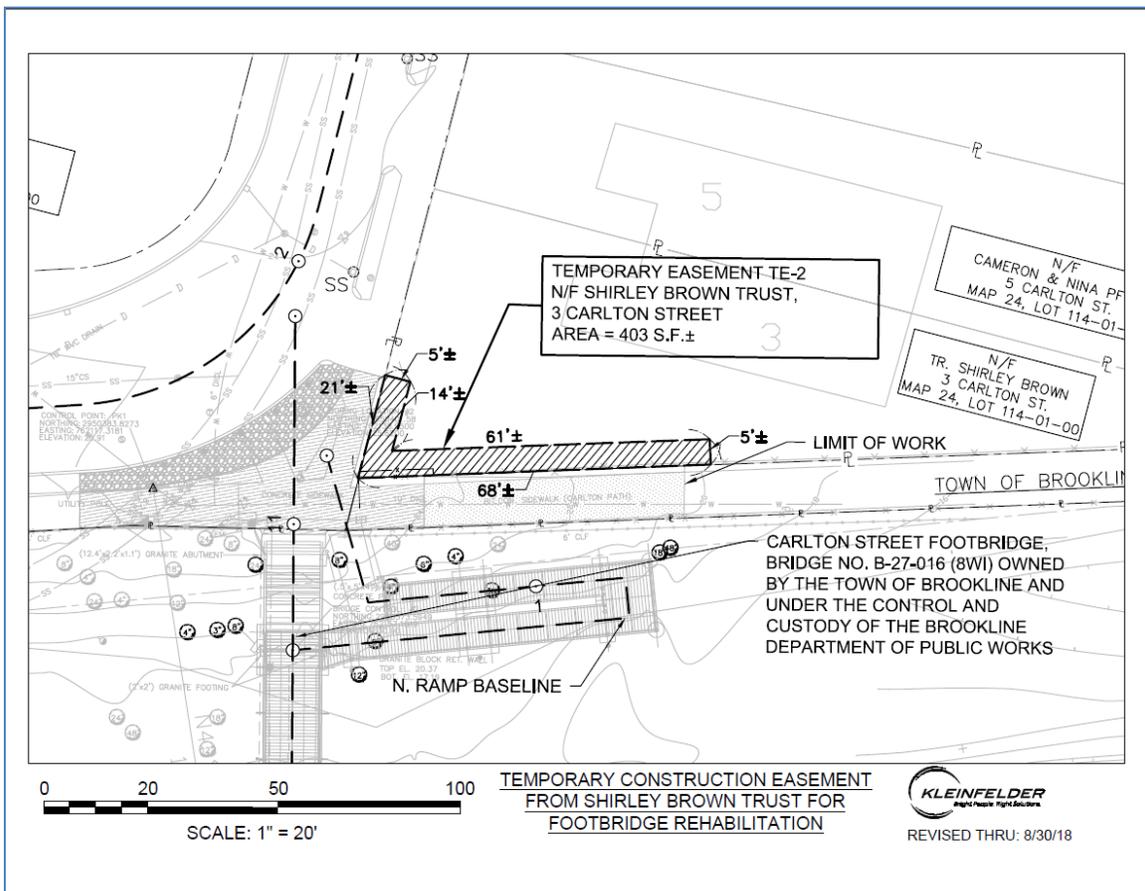
Amy Hummel – TMM #12. For the Advisory Committee, stated that all of the easements are required in order for the project to move forward; that they are temporary – ceasing after three years; and that any necessary monies have already been appropriated. Ms. Hummel urged favorable action on Articles Six through Nine.

Upon motion Benjamin J. Franco – TMM #AL and seconded by Amy Hummel – TMM #12, a Two-Thirds Vote being required, the following motions were PASSED BY A COUNTED VOTE OF 209 IN FAVOR and 1 OPPOSED

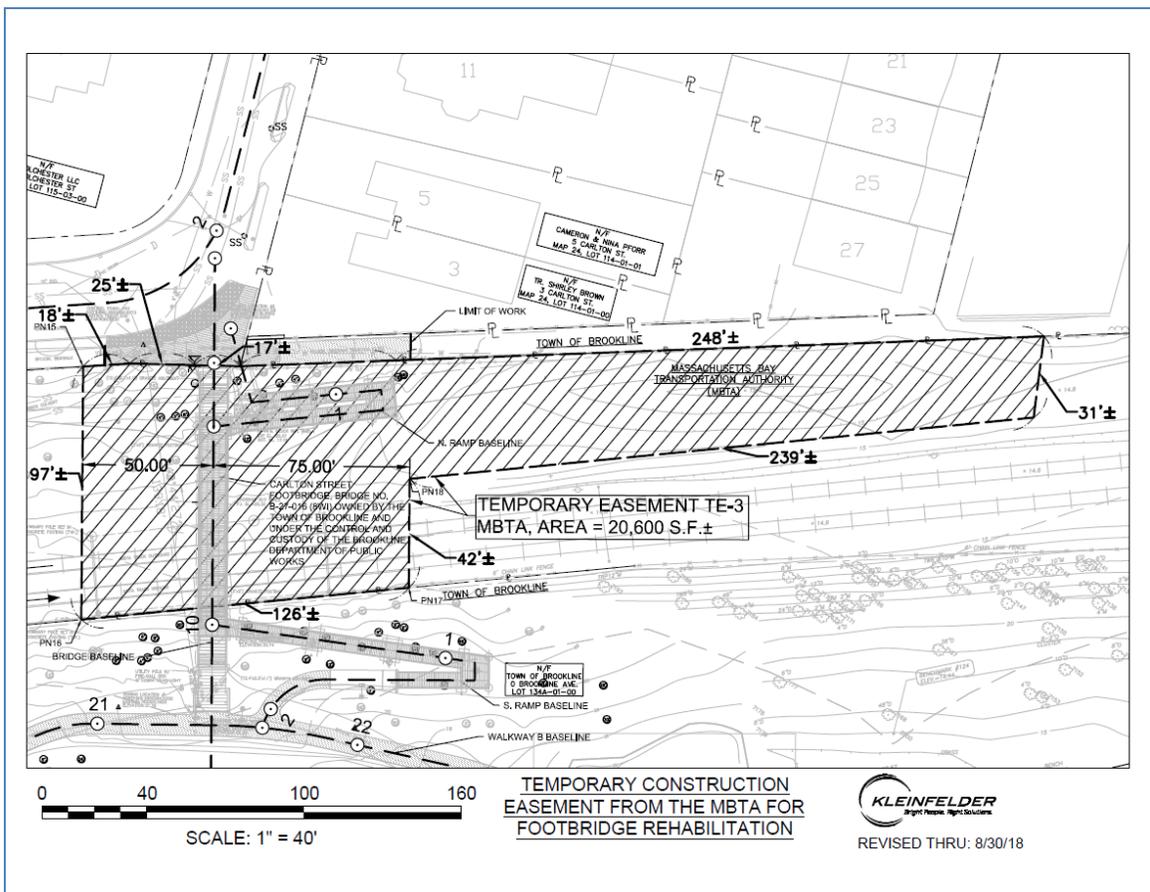
VOTED: To authorize the Select Board to grant and acquire, as necessary, a temporary construction easement on Town of Brookline property for construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM THE TOWN OF BROOKLINE FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein.



VOTED: To acquire by gift, purchase, eminent domain or otherwise, on such terms and conditions as the Select Board shall deem to be in the best interests of the Town, a temporary easement on the parcel of land shown on plan entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM SHIRLEY BROWN TRUST FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk, for public way and park improvement purposes, including, but not limited to the construction, alteration, maintenance, improvement, repair and/or replacement of pedestrians bridges, roads, sidewalks, driveways, pathways and landscaping; and, further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, if needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein.

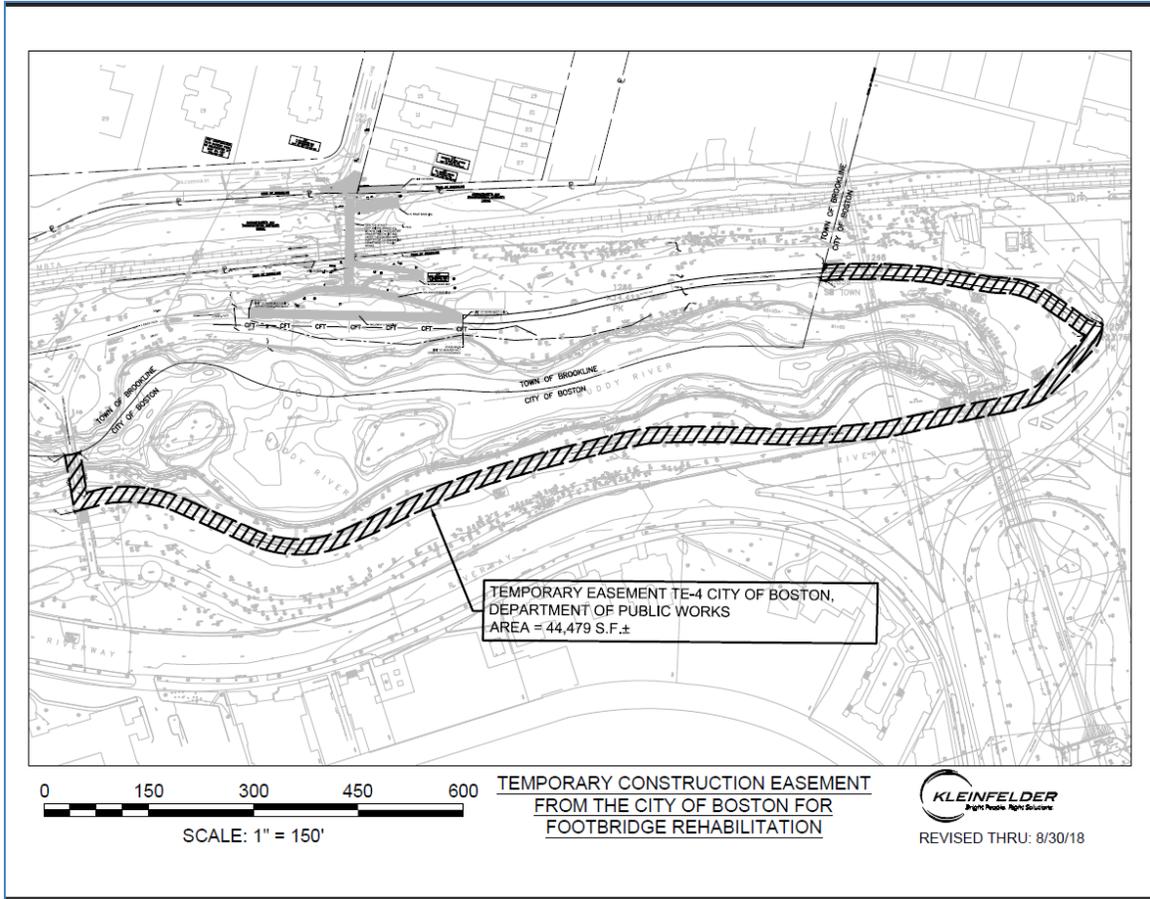


VOTED: To authorize the Select Board to acquire, if necessary, a temporary construction easement from the Massachusetts Department of Transportation, Rail and Transit Division, under which the Massachusetts Bay Transportation Authority (MBTA) operates, to conduct construction activities associated with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled “**TEMPORARY CONSTRUCTION EASEMENT FROM THE MBTA FOR FOOTBRIDGE REHABILITATION**” prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein.



VOTED: To authorize the Select Board to acquire, as necessary, a temporary construction easement from the City of Boston, Parks and Recreation Department, on City property comprising a part of Riverway Park, for construction activities associated

with the Carlton Street Footbridge Rehabilitation Project, as substantially shown on the plan submitted herewith entitled **“TEMPORARY CONSTRUCTION EASEMENT FROM THE CITY OF BOSTON FOR FOOTBRIDGE REHABILITATION”** prepared by Kleinfelder Engineering, revised through 8/30/2018, as may be amended, said plan on file with the Town Clerk. Further, to authorize the Select Board to enter into all agreements and take all related actions necessary or appropriate, including to expend, as needed, a sum or sums of money therefor from existing appropriation(s) for the Carlton Street Footbridge Restoration, to carry out this vote and other acts authorized herein.



TENTH ARTICLE

Submitted by: Building Department

To see if the Town will vote to authorize the Select Board to grant, upon terms and conditions in the best interest of the Town, an easement to the Boston Gas Company

permitting it to install and maintain a gas line on the Fire Station 6 parcel located at 962 Hammond Street, said parcel being shown as Lot 42 on Town of Brookline Assessor's Map 130 in Block 441, for the purpose of providing gas to the facilities located on the Fire Station 6 parcel.

Or take any other action relative thereto.

Janice S. Kahn – TMM #15, on behalf of the Advisory Committee, stated that this is a request to grant a permanent ten foot easement at Fire Station Six to National Grid to install a new gas line at the new Fire Maintenance and Training Facility. Ms. Kahn noted that while the Advisory Committee recommends favorable action under this Article, several of its members raised concerns about giving up all rights to land given up by the Town. Ms. Kahn explained that the granting of a permanent easement is a departure from the licensing agreements of the past. She noted that in the boilerplate contract submitted to the Town from National Grid, it would limit any possibility of any expansion of Fire Station Six, by not allowing the Town to build any structure over this easement. Ms. Kahn stated that the Advisory Committee, by a vote of 16-3, urges favorable action under Article Ten.

Bernard W. Greene – TMM #AL, for the Select Board, stated that despite the issues raised by the Advisory Committee, the Select Board felt it important enough to unanimously urge favorable action under Article Ten.

Kathleen M. Scanlon – TMM #3, asked if any other alternatives to natural gas had been considered in the design of this facility. She stated that she had concerns of the Town being locked into natural gas in perpetuity for this facility. Building Commissioner Daniel Bennett, stated that with regards to this project, since the Town already had gas service on site, natural gas was considered the most economical way to go.

James F. Franco – TMM #21, asked if there was an escape clause for this easement in the event the gas company was sold. The Moderator Edward N. Gadsby, Jr. – TMM #AL, stated that this was a legal question and that ordinarily if the gas company were sold, the purchaser would assume such obligations.

Clinton Q. Richmond – TMM #6, asked what the purpose of the gas was for the site. Building Commissioner Daniel Bennett responded by stating that the natural gas was for heat and hot water at the repair and maintenance facility.

Robert M. Miller – TMM #8, asked if the Town wish to change the use of this property and wanted to do away with the natural gas, would the Town be locked into this easement in perpetuity. Town Counsel Joslin Murphy stated the article permits the Select Board to enter into an agreement that's in the best interests of the Town and that they would certainly make considerations for any future change of use to this property.

Alisa G. Jonas – TMM #16, stated that the Advisory Committee wanted to make sure that the contractual language of the easement included provisions covering all of

these restrictions. Ms. Jonas also urged Kathleen M. Scanlon – TMM #3 to follow up on adding some language that the Town would be free of this easement if the Town were to use some alternative energy source.

Jane C. Gilman _ TMM #3, stated that this is the same gas company that has not responded to the Town's requests to repair their gas leaks which are killing our trees. She added that because of this she is not inclined to look charitably on this request.

Nathan I. Shpritz – TMM #16, stated he understands that this is the first time the gas company is requiring the easement method with regards to their gas lines to Town facilities and questioned if other communities have had experience with this new requirement, as well as altering contract language making it more beneficial to the municipality. Building Commissioner Daniel Bennett stated that the easement requirement is a new policy the gas company has put into place. Commissioner Bennett added that they do not apply this policy to residential customers.

Andrew M. Fischer – TMM #13, asked what the cost would be for heat and hot water using alternatives to burning fossil fuels. Building Commissioner Daniel Bennett stated that Station #6 is not a desirable location for solar panels.

Michael A. Burstein – TMM #12, asked whether this Article would be binding a future Town Meeting from removing this easement. The Moderator Edward N. Gadsby, Jr. – TMM #AL, stated that this Article authorizes the Select Board to enter into a contract for an easement. He added that the consequence of approving this motion would be that the Town would be entering into a contract and that contract cannot be unmade by Town Meeting. He stated that we would not be binding future Town Meetings.

Jonathan A. Karon - TMM #12, asked if there was enough time to delay this Article to a future Town Meeting in order to provide more leverage for the Select Board in their negotiations with the gas company. Building Commissioner Daniel Bennett stated that the building is expected to be completed by Spring 2019. Commissioner Bennett stated that heat would not be the issue at that point, but while there may be alternatives available for the hot water, gas was considered the primary heat source.

Christi E. Electris – TMM #7, stated that she had yet to hear the cost of alternative sources, particularly electricity. Building Commissioner Daniel Bennett stated that he does not know those cost figures but that any changes to the building would require going back to the contractor for redesign and change orders.

David B. Klafter – TMM #12 stated that, going forward, ever building project that comes before Town Meeting should at the very least contain an outline of the costs of going completely fossil free.

Miriam T. Aschkenasy – TMM #13, asked why the Town can't simply go back to licensing agreements. Town Counsel Joslin Murphy stated that the gas company is requiring this easement and they do not wish to go back to the licensing agreements.

Janice Kahn - TMM #15, asked why this particular easement was described as a ceding of land rights. The Moderator Edward N. Gadsby, Jr. – TMM #AL, stated the Town will retain legal ownership of the land subject to the perpetual easement.

Elizabeth W. Cunningham – TMM #15, stated that solar panels are not necessary in order to achieve 100% green efficiency. She noted that can be achieved by using electricity.

John Harris – TMM #8, stated that he had worked on all three of the Boston solar decathlon houses and he encourages the Town to look into solar hot water as an option.

Upon motion made and duly seconded, the following motion, requiring a two-thirds vote, was DEFEATED

MOVED: To terminate debate.

Clifford Scott Ananian – TMM #10, ,stated that he urges No Action under this Article and that if the gas company insists on an easement than he would like to see it before Town Meeting approves it.

Scott L. Englander – TMM #6 stated that he is troubled by the Town’s failure to consider design alternatives, but asked if the Town considered metering credits for the site since it was deemed unfavorable for solar. Building Commissioner Daniel Bennett stated that he doesn’t believe, under the Town’s current electricity contract, that the Town can do metering credits but it could be possible in the future as the Town expands its solar applications.

Benjamin J. Franco – TMM #AL, stated that under this easement the Town is not obligated to use gas and could transition to alternative sources six months or six years from now.

Harry K. Freidman – TMM #12 stated that the Town just granted the gas company the right to tear up Middlesex Road. He suggested if that right were threatened they might be amenable to going back to a license rather than an easement.

Brian Hochleutner – TMM #6 stated it’s fairly typical for utility companies to want an easement, as opposed to a license, since they invest in the infrastructure. He added that he was fairly confident that the Town, with the assistance of counsel, would create an agreement that would protect the interests of the Town.

Lee L. Selwyn – TMM #13 stated that this is not your usual utility company easement. The Town owns this land and because this is such an unreasonable requirement he urges the Town to seek a complaint with the Massachusetts Department of Utilities..

Michael W. Toffel – TMM #8 stated that his concern is that we are not doing an analysis to see what alternative energy is available and could be applied in this case.. He stated that he plans to vote No Action. He added that if the Town cannot do it in this instance then we are going to go nowhere in dealing with climate change.

Susan M. Roberts – TMM #2 asked if electricity as an alternative fuel source, was any cleaner than gas. Building Commissioner Daniel Bennett stated that we would be able to convert to electricity but it would require returning all the equipment that we have specked out and ordered.

Upon motion made and duly seconded, the following motion, requiring a two-thirds vote, was PASSED BY A TWO-THIRDS VOTE

VOTED: To terminate debate.

There was a request from the floor for an Electronic Recorded Vote to be taken under Article Ten. More than thirty-five Town Meeting Members stood in support of that request.

Upon motion of Janice S. Kahn – TMM #15 and seconded by Nancy S. Heller – TMM #AL, the following motion was DEFEATED by an ELCTRONIC RECORDED VOTE OF 44 IN FAVOR, 139 OPPOSED AND 0 ABSTENTIOINS

[SEE ADDENDUM]

MOVED: That the Town authorize the Select Board to grant, upon terms and conditions in the best interest of the Town, an easement to the Boston Gas Company permitting it to install and maintain a gas line on the Fire Station 6 parcel located at 962 Hammond Street, said parcel being shown as Lot 42 on Town of Brookline Assessor's Map 130 in Block 441, for the purpose of providing gas to the facilities located on that Fire Station 6 parcel.

ELEVENTH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE I

To see if 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 August 29, 2018, and filed with the Town Clerk as of August 30, 2018;
- (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) **AGE-RESTRICTED DWELLING UNIT** – An attached Multi-Family Dwelling Unit intended and operated for occupancy by persons 55 years of age or older in which at least 80% of the occupied units within the applicable building are occupied by at least one person who is 55 years of age or older in accordance with applicable requirements of federal and Massachusetts law.
 - d) **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.
 - e) **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.

- f) CONVERTED TOWNHOUSE UNIT – One of up to twelve (12) existing one-bedroom townhouse units to be converted to a three-bedroom unit by an Addition that is allowed as part of the HVOD Project pursuant to Footnote 2 in Figure 5.06.4.k.1.
- g) DESIGN CERTIFICATE – A certificate issued by the Planning Board pursuant to Section 5.06.4.k.4.b.ii.H, below.
- h) DESIGN GUIDELINES – The Design Guidelines set forth in Section 5.06.4.k.4.b.ii.G, below.
- i) DINING ROOM EXPANSION – An Addition that expands the dining room area of an existing townhouse unit within the HVOD that is allowed pursuant to and in accordance with Section 5.06.4.k.4.b.ii.
- j) 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.
- k) FINAL PLANS — The plans and materials submitted in connection with the Conformance Review pursuant to Section 5.06.4.k.12.
- l) 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.
- m) 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.

- n) **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.
- o) **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 29, 2018, 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.
- p) **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.

- q) MASTER DEVELOPMENT PLAN — A plan entitled “Hancock Village Master Development Plan” dated August 29, 2018, 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.
- r) NEW TOWNHOUSE BEDROOM – One of up to 140 new bedrooms constructed as part of a renovation of, or Addition to, dwelling units within the HVOD existing as of the effective date of this Section 5.06.4.k (excluding any bedrooms included as part of the HVOD Project, including, without limitation, any bedrooms within a Converted Townhouse Unit).
- s) PROPONENT — The proponent or developer of the HVOD Project or any proposed phase or portion thereof, or the proponent or developer of any Addition.
- t) SIGNAGE PLAN – A plan entitled “HVOD Signage Plan” dated August 29, 2018, prepared by Stantec Planning and Landscape Architecture P.C., a copy of which is on file with the Town Clerk’s Office.
- u) 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 ² | 11 | 12 ² | 71 ² | 9 at 80% AMI; 18 at 100% AMI ^{2, 3, 4} |
| Sherman Building⁵ | 234 | 133 | 101 | 0 | 335 | 0 |
| Total | 382 ² | 230 ² | 140 | 12 | 546 | 37 at 80% AMI; 18 at 100% AMI ^{2, 3, 4} |

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 The Proponent may, at its election, convert 12 three-bedroom units within the Gerry Building to 12 one-bedroom units within the Gerry Building, provided that the Proponent also converts 12 existing one-bedroom townhouse units within the HVOD to become Converted Townhouse Units, all of which shall be three-bedroom units and 3 of which shall be Affordable Units at 80% AMI. If so elected by the Proponent: (i) the number of one-bedroom units within the Gerry Building shall increase to 25; (ii) the total allowed number of three-bedroom units within the Gerry Building shall decrease to 0; and (iii) the total number of bedrooms in the Gerry Building shall be reduced to 48.

³ 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.

⁴ 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.

⁵ Multifamily use within the Sherman Building shall be limited to Age-Restricted Dwelling Units.

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 4 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 4 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 0.5. 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 85,000 square feet, measured from the exterior faces of the walls or from the centerlines of the of the walls for adjoining buildings.
 - B) No Addition shall be allowed except for an Addition that includes: (a) a Converted Townhouse Unit; or (b) a New Townhouse Bedroom; or (c) a Dining Room Expansion. A Dining Room Expansion will only be added to units that have half baths on the first floor and modernized, reconfigured kitchens. No such Dining Room Expansion: (i) shall add more than 60 square feet of gross floor area, measured from interior wall to interior wall, to any individual dwelling unit; (ii) include more than 3 exterior walls or include a wall closing it off from the adjacent living space; (iii) 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; or (iv) have a lateral width of more than 10 feet.

- C) Any Dining Room Expansion 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) Any Addition shall not involve the construction of new structures, the addition of new dwelling units, or, except with respect to a Converted Townhouse Unit or New Townhouse Bedroom, the addition of new bedrooms or lofts.
- E) No new structures shall be constructed, except as shown on the approved Master Development Plan.
- F) An Addition that includes a Converted Townhouse Unit may be constructed at any time as part of the HVOD Project, subject to and in accordance with the terms of this Section 5.06.4.k. Prior to the issuance of a building permit for a Dining Room Expansion or a New Townhouse Bedroom, at least ten (10) years must have passed since the issuance of the first building permit for a building within the HVOD Project.
- G) The Planning Board has reviewed the applicable 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. Notwithstanding the foregoing or anything herein to the contrary, any Addition Plans for a Converted Townhouse

Unit shall conform to the applicable substantive requirements of Section 5.06.4.k.4.b.ii, but review for conformance with such requirements shall be conducted by the HVCRC as part of a Conformance Review in accordance with Section 5.06.4.k.12 below (and not by the Planning Board pursuant to this Section 5.06.4.k.4.b.ii.H).

- 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.

Converted Townhouse Units: 35 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 0.5.
- 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 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 August 29, 2018, and filed with the Town Clerk as of that date, for the Hancock Village Overlay District;

Or act on anything relative thereto.

TWELVETH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE II

To see if the Town will 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,” prepared by Stantec, dated August 29, 2018, and filed with the Town Clerk as of August 30, 2018, 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 act on anything relative thereto.

Or act on anything relative thereto.

THIRTEENTH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE III

To see if the Town will 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 “LAU Development Agreement” related to development of at least 148 units of housing, as shown on the plan entitled, “LAU Development Plan,” prepared by Stantec, dated August 29, 2018, and filed with the Town Clerk as of August 30, 2018, 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 act on anything relative thereto.

FOURTEENTH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE IV

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, for a period of twenty (20) years.

Or act on anything relative thereto.

FIFTEENTH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE V

To see if the Town will authorize the Board of Selectmen to acquire by gift or deed for general municipal purposes the land shown as “HVOID Buffer Area,” on the plan entitled “Hancock Village Master Development Plan,” prepared by Stantec, dated August 29, 2018, and filed with the Town Clerk as of August 30, 2018, consisting of approximately 155,116 square feet in area, along with any necessary accompanying easements, with a portion of said “HVOID Buffer Area” to be subject to such retained easements as may be reasonable or necessary for the original owners to access and maintain subsurface stormwater drainage and utility systems, and landscaping.

Or act on anything relative thereto.

SIXTEENTH ARTICLE

Submitted by: Robert M. Zuker, on behalf of Chestnut Hill Realty

ARTICLE VI

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.

The Moderator Edward N. Gadsby, Jr. – TMM #AL stated that there were no motions to be offer under Articles Eleven through Sixteen and, therefore, there would be no debate.

SEVENTEENTH ARTICLE

Submitted by: Brookline Justice League (Mariela Ames, Scot Huggins, Brooks Ames)

To see if the Town will amend the General by-laws to prohibit the Select Board from entering into or authorizing nondisclosure agreements, except with respect to agreements protecting the identity of the claimant from disclosure, in connection with claims of discrimination, retaliation, and harassment against the Town, and to require the Town to publicize the amounts paid to defend and settle those claims. This proposal requires amending Section 3.1.3 to include the following language in bold.

SECTION 3.1.3 LITIGATION AND CLAIMS

The Select Board may institute, prosecute, defend, compromise and settle claims, actions, suits or other proceedings brought by, on behalf of, or against the town, provided, however, that it shall act upon advice of counsel when the amount to be paid in any settlement exceeds one thousand dollars (\$1,000). It may employ special counsel in suits by or against the town whenever they deem it necessary.

The Select Board shall not enter into or authorize any agreement which has the purpose or effect of concealing the details relating to a claim of discrimination, retaliation, or harassment against the town, except with respect to the identity of the claimant. The financial terms of any settlement agreement concerning such a claim and the legal fees associated with defending and settling such a claim shall be published on the Town website within fourteen (14) days of the settlement and in the Annual Town Report.

Or act on anything relative thereto.

Brooks Ames, for the petitioner The Brookline Justice League, stated that they are in favor of the substitute motion offered by Jonathan Margolis. Mr. Ames stated that when we brought this article before an earlier Town Meeting, we failed to consider that there are certain instances where a claimant would want a non-disclosure agreement. He stated that Mr. Margolis' motion addresses this issue and allows for claimants to enter into such agreements. Mr. Ames stated that the goal of this by-law amendment is to allow claimants to ,speak even after their cases have been settled. He added that this amendment is not intended to disparage the Town but =to be forward looking. Mr. Ames stated that if we have the ability to listen to claimants the Town will learn a lot from that experience. It may help the Town identify problems that we didn't believe we had. Mr. Ames urged Favorable Action on the Margolis amendment.

The Moderator Edward N. Gadsby, Jr. – TMM #AL asked for the consent of Town Meeting to allow Gerald Alston, Jr., a non-resident, to address Town Meeting. There were no objections.

Gerald Alston, Jr., a former fire-fighter for the Town of Brookline, stated that he has been through a lot and that he was feeling some ugliness towards the Town as a result. He noted that when this by-law amendment was proposed, it changed his feelings a little bit. However, he then added, that when he learned that a Select Board member also supported this amendment, his feelings changed completely. Mr. Alston stated that Town Meeting has to think about being a person in his position. It has to understand how difficult it is to be paid, sign an agreement not to speak, while the other party can say all that they want. Mr. Alston stated that we all make mistakes – that nobody is perfect. He stated that it is not necessarily about the mistakes that you make but what you do after them that determines the type of person you are. Brookline has the ability to change. He stated that he supports this amendment and urges Town Meeting to do so as well,

Mariela Ames, for the petitioner The Brookline Justice League, stated she also supports the Margolis amendment because it maintains the spirit of the original article – to avoid silencing victims of sexual harassment, discrimination and retaliation. She added that this amendment deters wrongful conduct yet protects the victim’s privacy if so chosen by the victim. She stated that 100 lawyers were polled by Massachusetts Lawyers Weekly on this issue and that 60 out of the 100 lawyers supported a ban on non-disclosure agreements. Ms. Ames urged Town Meeting to make our government responsible to all and vote Favorable Action on the Margolis amendment.

Susan Granoff – TMM #7, for the Advisory Committee, stated that the Advisory Committee, by a vote of 19 to 1 to 2, opposes Article Seventeen. Ms. Granoff stated there are five specific reasons why the Advisory Committee so strongly opposes. First, it removes two critically important tools -]non-disclosure and non-disparaging agreements from the Town’s legal toolbox. Second: Article Seventeen is financially irresponsible. It will lead to ,far fewer negotiated settlements, ultimately forcing claims to trial after protracted litigation, Third: claims against the Town or the Town’s employees will lead to an unending public disparagement in the media of their reputations, even when the claims against them are mistaken, unsubstantiated or false and the Town will have no recourse to defend itself or its employees. Fourth: the petitioners have shown no evidence that the broad changes thy wish to enact will result in fewer cases of discrimination, retaliation or civil rights violation. Fifth: the reporting requirements under Article Seventeen are unnecessary. Ms. Granoff stated that Article Seventeen creates barriers for both the claimant and the Town. Ms. Granoff, on behalf of the Advisory Committee, urges No Action.

Jonathan J. Margolis – TMM #7 asked Town Meeting if it believes transparency is essential to democracy; if you believe with Justice Brandeis that “sunshine is the best disinfectant”; if you agree that Brookline should practice what it preaches so loudly as it espouses its progressive ideals than join with him in voting for the amendment.

The Moderator Edward N. Gadsby, Jr. – TMM #AL noted that there is only one motion before Town Meeting under Article Seventeen and that is the motion found on page 17-6 of the Warrant Book.

Nancy S. Heller – TMM #AL, for a majority of the Select Board, stated there is no evidence or data that has been presented that shows that the Town or its employees have engaged in a pattern of harassment, discrimination or violation of civil rights. She noted that the Town has had only ten cases min the last decade despite the fact that the Town has over 3,000 employees. The Select Board believes that if this by-law passes it will substantially affect the ability of the Town to negotiate agreements and lead to unnecessary litigation and costs. Ms. Heller, for a majority of the Select Board, urges No Action.

Regina M. Frawley – TMM #16 asked Town Meeting where is the proof that litigation will increase if we pass this by-Law. Ms. Frawley stated that fear tactics are no way to run this Town. She urged Town Meeting to vote Favorable Action.

Amy Hummel – TMM #12 stated that this article is deeply flawed. She stated that the article indiscriminately inserts itself into all of the Town's future claimant negotiations, regardless of facts and individual circumstances, She stated that it also creates an artificial bargaining imbalance forcing a dispute, that might otherwise have been quickly resolved, to trial at a much higher cost to everyone involved. We should not arbitrarily insert ourselves into this process. It will hobble it, it will set us up for bad outcomes and it will lead us into unintended consequences with no clear benefits for either party. Ms. Hummel urged No Action.

Elizabeth S.. Bellis-Kates – TMM #9 stated that people need to tell their stories – that they need to tell the truth. She added that only when the truth is known can progress be made. She stated that passage of this Article will allow all people to tell their stories. The Article will make public patterns of misconduct and help urge changes in policy and training. Ms. Kates urges Favorable Action.

Harry K. Friedman – TMM #12 stated that non-disclosure agreements are a result of a settlement. There are two sides to an argument and they get together and hash out an agreement. They settle on an amount and the Town asks for a non-disclosure. If the claimant objects, the Town either backs down or they proceed to trial. Mr. Friedman noted that there are both sides to a dispute of which both are represented by legal counsel. He added that once that dispute is settled it should be over and that one side or the other should not be allowed to continue to disparage the other. Mr. Friedman urged No Action.

Richard Nangle – TMM #15 stated that in 2002 the Boston Globe had revealed that the Archdiocese of Boston had used non-disclosure agreements to keep clergy sexual abuse out of the public eye for decades. As in investigative reporter for the Worcester Telegram and Gazette, Mr. Nangle stated, as a result of that reporting, he had been assigned to investigate the Archdiocese of Worcester. He stated that through interviews

with clergy sexual abuse victims, the reporting revealed similar abuses and cover-ups. He noted that all those who had been interviewed had signed non-disclosure agreements with the Archdiocese. Mr. Nangle stated that these victims knew that their non-disclosure agreements had protected their abusers in an indirect way and that their pain had only gotten worse. Mr. Nangle stated that were it not for these non-disclosure agreements, the church scandal would have broken decades earlier and may have been avoided altogether. Mr. Nangle urged Favorable Action.

Martin R. Rosenthal – TMM #9 stated he had experienced an epiphany on this issue when he had professionally recommended limiting non-disclosure agreements for the state legislature. He stated he was shocked by the negative response from defense lawyers, plaintiff's lawyers and non-partisan lawyers and changed his mind. R. Rosenthal conceded that if this Article passes there would be some transparency, though he questioned how much and at what cost. R. Rosenthal stated that he trusts the advice of Town Counsel and the Town's fiscal monitors. He urged No Action,

Mark E. Levy – TMM #7 stated that he was elected to represent the Town and not the Town government. He argued that there has been much discussion concerning the value of passing this Article. Mr. Levy stated that he believed it is worth the experiment, since more openness may lead to more complaints. Mr. Levy urged Favorable Action.

Cathleen C. Cavell – TMM #1 stated that this is not a good and fair idea for the Town. She stated that there is a real imbalance here - Towns and employers cannot speak publicly as to what happens regarding a particular employee. If this Article passes the Town will be powerless to defend itself. Ms.. Cavell urged No Action.

Jonathan A. Karon – TMM #12 stated that he too was elected to represent the people of the Town of Brookline and not the government of the Town, He added that the only way to give the people of the Town a seat at the negotiating table is to ,pass this Article. Mr. Karon urged Favorable Action.

Barba C. Scotto – TMM #8 stated that when you have only one voice, you only have one side of the story. She noted that while that voice may be telling their truth, it may not be the objective truth. Ms. Scotto urged No Action.

Michael A. Sandman – TMM #3 asked if, prior to agreeing to a non-disclosure agreement, is there any way to prevent a claimant from telling their story. Town Counsel Joslin Murphy stated that there is nothing to prevent a claimant from publicizing their case. She added, as this Town Meeting is aware, there are several claimants who have pressed their case in the media.

Kim Smith – TMM #6 stated that this issue is about transparency and should be proactive and not reactive to any public information request. Ms. Smith stated that she works for a state agency that is a hostile work environment where she has observed discriminatory, retaliatory and abusive behavior. She stated that this type of behavior is

particularly disturbing when public employees are involved. Ms. Smith urged Favorable Action.

Upon motion made and duly seconded, the following motion, requiring a two-thirds vote, was PASSED BY A TWO-THIRDS VOTE

VOTED: To terminate debate.

There was a request from the floor for an Electronic Recorded Vote to be taken under Article Seventeen. More than thirty-five Town Meeting Members stood in support of that request.

Upon motion of Jonathan J. Margolis – TMM #7 and duly seconded, the following motion was DEFEATED by an ELCTRONIC RECORDED VOTE OF 83 IN FAVOR, 104 OPPOSED AND 9 ABSTENTIOINS

[SEE ADDENDUM]

MOVED: To amend Article 3.1, Section 3.1.3 of the Town’s General By-Laws (“LITIGATION AND CLAIMS”) by adding the following language at the end of said section:

The Town shall not propose or require, as a condition to resolve any claim for unlawful discrimination, retaliation or violation of civil rights, that the claimant be precluded from disclosing the terms on which the claim has been resolved, or agree to refrain from making public statements concerning the claim, and the Select Board shall not enter into any agreement to resolve any claim in which the Town has sought such an agreement. The Town may enter into such an agreement if it has been sought by the claimant.

The Town shall report on its website all claims described in the preceding paragraph that were above resolved during the previous six months within 15 days of the close of the fiscal year and 15 days of the end of the sixth month of the fiscal year. If a claim has been resolved with an agreement precluding disclosure, as permitted in the preceding paragraph, it shall be reported by specifying only the nature of the claim, the amount (if any) paid by the Town or on its behalf, and the date of resolution.

Upon motion made and duly seconded, the following motion was DEFEATED

MOVED: To adjourn the Special Town Meeting,

EIGHTEENTH ARTICLE

Submitted by: Preservation Commission

To see if the Town will vote to amend Article 5.3 of the Town's General By-Laws as follows:

(language to be deleted from a section appears in ~~striketrough~~, and new language appears in **bold underline**)

1. Amend Section 5.3.2.h of the Town's General By-Laws as follows:
 - h. "Demolition" – (a) the act of pulling down, destroying, removing or razing a Building or a significant portion thereof, by **substantially removing or substantially covering** one side of the building, or **substantially removing or substantially altering** the roof, or removing 25% **or covering 25%** of the **exterior walls** ~~structure~~; (ii) moving a Building from its site with no permitted new location for said Building; (iii) in the case of a Building within Section 5.3.5(b), substantially gutting (as defined by the Preservation Commission per section 5.3.14) an interior space that has generally been open to the public and is integral to the historic character of the building; (iv) in the case of a building within Section 5.3.5(b), the systematic removal, effacement, or destruction of the exterior architectural elements which define or contribute to the historic character of the Building, or (v) commencing any of the foregoing work. "Demolition" as used herein shall be deemed to include Demolition by Neglect.

2. Amend Section 5.3.4 by adding the following new Section 5.3.4.d:
 - d. An application for a Demolition Permit is valid only with respect to the owner(s) of record at the time it is delivered to the Preservation Commission Staff, unless otherwise provided for in this section. In the event a transfer of ownership occurs of a Significant Building, no Demolition Permit shall be issued until the new owner files a new application and complies with the procedures set forth in Section 5.3.3 through Section 5.3.12. An applicant for a Demolition Permit shall certify to the satisfaction of Preservation Commission Staff, immediately prior to its issuance, that there has been no change in ownership subsequent to the delivery of the application to the Preservation Commission Staff, and the Building Commissioner shall not issue a Demolition Permit without Preservation Commission Staff certification or evidence that the applicant intends to take advantage of the exemption listed below in this section. Notwithstanding the forgoing, if the Commission has, pursuant to its discretion in Section 5.3.10, voted to lift a stay based on a design submitted by a previous owner, the Building Commissioner, in conjunction with the Preservation Commission Staff, may approve and issue a Demolition Permit without having the new owner file a new Demolition Permit application for that design.

3. Amend Section 5.3.7 of the Town's General By-Laws as follows:

Within ~~20~~ **30** Business Days of an Initial Determination that the building falls into one or more of the categories in Section 5.3.5, the Commission shall review the Application and Initial Determination, without reference to any proposed replacement use or design, at a public hearing with notice given as provided in Section 5.3.12 to determine whether the building is significant as defined in Section 5.3.2.

Or act on anything relative thereto.

Michael A. Sandman – TMM #3, for the Advisory Committee, stated this Article has been proposed in order to clarify the definition of demolition. This proposal, submitted by the Preservation Commission, will provide a clear common definition that will help property owners, abutters and staff alike. He noted that there are three substantive changes to the by-law. R. Sandman stated, by a vote of 24-0-0 the Advisory Committee recommends Favorable Action.

Nancy S. Heller – TMM #AL, for a Unanimous Select Board, stated that this proposal eliminates the transferability provision, except in certain circumstances, better defines a partial demolition and increases the review period to thirty days. Ms. Heller stated that the Select Board urges Favorable Action.

David King – Chairman of the Preservation Commission stated the intent of the Demolition By-law is to slow the process of the demolishment of significant buildings in the Town. This proposal limits applicants to the owner of record except in certain circumstances when the applicant is working with the Preservation Commission; better defines what the definition of demolition is; and extends the review period an additional ten days. Chairman King urged Favorable Action.

Upon motion of Michael A. Sandman - #3 and seconded by Nancy S, Heller – TMM #AL, it was UNANIMOUSLY

VOTED: That the Town amend the Section 5.3 of the Town’s General By-Laws as follows:

(language to be deleted from a section appears in ~~striketrough~~; new language appears in **bold**)

1. Amend Section 5.3.2.h of the Town’s General By-Laws as follows:

h. “Demolition” – ~~(a i)~~ the act of pulling down, destroying, removing or razing a Building or a significant portion thereof, by **substantially removing or substantially covering** one side **or removing 25% or covering 25% of the exterior walls** of the building, or **substantially removing or substantially altering** the roof, ~~or removing 25% of the structure~~; (ii) moving a Building from its site with no permitted new location for said Building; (iii) in the case of a

Building within Section 5.3.5(b), substantially gutting (as defined by the Preservation Commission per section 5.3.14) an interior space that has generally been open to the public and is integral to the historic character of the building; (iv) in the case of a building within Section 5.3.5(b), the systemic removal, effacement, or destruction of the exterior architectural elements which define or contribute to the historic character of the Building, or (v) commencing any of the foregoing work. “Demolition” as used herein shall be deemed to include Demolition by Neglect.

2. To amend Section 5.3.4 of the Town’s General By-Laws by adding the following new Section 5.3.4.d:

d. An application for a Demolition Permit is valid only with respect to the owner(s) of record at the time it is delivered to the Preservation Commission Staff, unless otherwise provided for in this section. In the event of an arm’s length transfer of ownership and control of a Significant Building, no Demolition Permit shall be issued until the new owner files a new application and complies with the procedures set forth in Section 5.3.3 through Section 5.3.12. An applicant for a Demolition Permit shall certify to the satisfaction of Preservation Commission Staff, immediately prior to its issuance, that there has been no change as the result of an arm’s length transfer of ownership and control subsequent to the delivery of the application to the Preservation Commission Staff, and the Building Commissioner shall not issue a Demolition Permit without Preservation Commission Staff certification or evidence that the applicant intends to take advantage of the exemption listed below in this section. Notwithstanding the foregoing, if the Commission has, pursuant to its discretion in Section 5.3.10, voted to lift a stay based on a design submitted by a previous owner, the Building Commissioner, in conjunction with the Preservation Commission Staff, may approve and issue a Demolition Permit without having the new owner file a new Demolition Permit application for that design.

3. To amend Section 5.3.7 of the Town’s General By-Laws as follows:

Within ~~20~~**30** Business Days of an Initial Determination that the building falls into one or more of the categories in Section 5.3.5, the Commission shall review the Application and Initial Determination, without reference to any proposed replacement use or design, at a public hearing with notice given as provided in Section 5.3.12 to determine whether the building is significant as defined in Section 5.3.2.

The amended sections of the General By-Law would thus read as follows (clean copy):

Section 5.3.2.h. “Demolition” – (i) the act of pulling down, destroying, removing or razing a Building or a significant portion thereof, by substantially removing or substantially covering one side or removing 25% or covering 25% of the exterior walls of the building, or substantially removing or substantially altering the roof; (ii) moving a Building from its site with no permitted new location for said Building; (iii) in the case of a Building within Section 5.3.5(b), substantially gutting (as defined by the Preservation Commission per section 5.3.14) an interior space that has generally been open to the public and is integral to the historic character of the building; (iv) in the case of a building within Section 5.3.5(b), the systemic removal, effacement, or destruction of the exterior architectural elements which define or contribute to the historic character of the Building, or (v) commencing any of the foregoing work. “Demolition” as used herein shall be deemed to include Demolition by Neglect.

Section 5.3.4.d: An application for a Demolition Permit is valid only with respect to the owner(s) of record at the time it is delivered to the Preservation Commission Staff, unless otherwise provided for in this section. In the event of an arm’s length transfer of ownership and control of a Significant Building, no Demolition Permit shall be issued until the new owner files a new application and complies with the procedures set forth in Section 5.3.3 through Section 5.3.12. An applicant for a Demolition Permit shall certify to the satisfaction of Preservation Commission Staff, immediately prior to its issuance, that there has been no change as the result of an arm’s length transfer of ownership and control subsequent to the delivery of the application to the Preservation Commission Staff, and the Building Commissioner shall not issue a Demolition Permit without Preservation Commission Staff certification or evidence that the applicant intends to take advantage of the exemption listed below in this section. Notwithstanding the foregoing, if the Commission has, pursuant to its discretion in Section 5.3.10, voted to lift a stay based on a design submitted by a previous owner, the Building Commissioner, in conjunction with the Preservation Commission Staff, may approve and issue a Demolition Permit without having the new owner file a new Demolition Permit application for that design.

Section 5.3.7: Within 30 Business Days of an Initial Determination that the building falls into one or more of the categories in Section 5.3.5, the Commission shall review the Application and Initial Determination, without reference to any proposed replacement use or design, at a public hearing with notice given as provided in Section 5.3.12 to determine whether the building is significant as defined in Section 5.3.2.

NINETEENTH ARTICLE

Submitted by: Neil Gordon, TMM1, Andrew Fischer, TMM13

Subject: Restricting Leafblower Use on Sidewalks and Ways

To see if the Town will vote to amend Section 8.31.3 of the Town's General by-laws, LIMITATIONS ON USE, as follows (language to be deleted from Section 8.31.3 appearing in ~~strikethrough~~, and new language appearing in **bold underline**):

SECTION 8.31.3: LIMITATIONS ON USE

a. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, ~~or on the sidewalks or ways contiguous to such property,~~ nor shall any person operate a leaf blower, except between March 15th and May 15th and between October 1st and December 31st in each year, and except for leaf blowers powered by electricity which are exempt from this seasonal usage limitation. The provisions of this Section 3.a. shall not apply to nonresidential property owners but only with respect to parcels of land that contain at least five acres of open space.

b. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property under their control, ~~or on the sidewalks or ways contiguous to such property,~~ nor shall any person operate a leaf blower, except between the hours of 8 (eight) A.M. to 8 (eight) P.M. Monday through Friday, and from 9 (nine) A.M. to 6 (six) P.M. on Saturdays, Sundays and legal holidays.

c. On land parcels equal to or less than 7,500 (seven thousand five hundred) square feet in size, no Property Owner or Property Manager or User shall operate or authorize the operation of more than 2 (two) leaf blowers on such property simultaneously. ~~This limitation shall also apply to sidewalks and roadways contiguous to such parcel.~~

d. No Property Owner or Manager shall authorize the operation of any leaf blower and no person shall operate a leaf blower which does not bear an affixed manufacturer's label or a label from the Town indicating the model number of the leaf blower and designating a noise level not in excess of sixty-seven (67) dBA when measured from a distance of fifty feet utilizing American National Standard Institute (ANSI) methodology on their property. Any leaf blower bearing such a manufacturer's label or Town label shall be presumed to comply with the approved ANSI Noise Level limit under this By-law. However, Leaf Blowers must be operated as per the operating instructions provided by the manufacturer. Any modifications to the equipment or label are prohibited. However, any leaf blower(s) that have been modified or damaged, as determined visually by anyone who has enforcement authority for this By-law, may be required to have the unit tested by the Town as provided for in this section, even if the unit has an affixed manufacturer's ANSI or Town label. The Controller of any leaf blower without a manufacturer's ANSI label on such equipment may obtain a label from the Town by bringing the equipment to the town's municipal vehicle service center or such other facility designated by the Town for testing. Such testing will be provided by the Town's designated person for no more than a nominal fee (which shall be nonrefundable) and by appointment only at the Town's discretion. If the equipment passes, a Town label will be affixed to the equipment

indicating Decibel Level. In the event that the label has been destroyed, the Town may replace it after verifying the specifications listed in the Controller’s manual that it meets the requirements of this By-law.

e. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers on property not under their control, including but not limited to the sidewalks and ways contiguous to such properties, and no person shall operate a leaf blower except on private property with the authorization or permission of the Property Owner or Property Manager.

f. No Property Owner or Property Manager shall authorize or permit the operation of leaf blowers in a manner that intentionally distributes leaves or other debris beyond the property under their control, without the express consent of the owner of such property.

The provisions of this Article 8.31.3 shall not apply to the use of leaf blowers by the Town, its employees or contractors while performing work for the Town.

Or take any other action relative thereto.

No motion was offered under Article under Article Nineteen and therefore, no debate was held.

TWENTIETH ARTICLE

Submitted by: Jonathan Davis, TMM10

To see if the Town will amend the Zoning By-Law by adding the following Section 5.23:

“5.23 – SPECIAL RULES WITH RESPECT TO THE TRANSIT PARKING OVERLAY DISTRICT

1.a. With respect to any lot that is in whole or in part located within the Transit Parking Overlay District, the term “EXCESS” means the amount (if any) by which (a) exceeds (b) – wherein (a) is the off-street parking space requirements under Section 6.02, Paragraph 1, Table Of Off-Street Parking Space Requirements for the building or group of buildings located in whole or in part upon such lot as if the Transit Parking Overlay District did not exist, and (b) is the aggregate number of lawful off-street parking spaces actually provided by the building or group of buildings located in whole or in part upon such lot. In determining the EXCESS: the number of off-street parking spaces not actually provided due to variance shall nevertheless be added to (b); the number of off-street parking spaces not actually provided due to a lawful non-conforming structure or use shall nevertheless not be included in (a); and the number of off-street parking spaces not actually provided due to a previous payment under 1.c, below, with respect to the same structure shall nevertheless be added to (b).

b. Notwithstanding the requirements of Section 5.00 and the Table of Dimensional Requirements Table 5.01, the maximum Floor Area Ratio under the Table of Dimensional Requirements for residential use on any lot that is, in whole or in part, located within the Transit Parking Overlay District shall be reduced by reducing the maximum Gross Floor Area that would result in the aforementioned maximum Floor Area Ratio for such lot, such reduction to be the product of Three Hundred Forty Nine (349) square feet multiplied by the EXCESS (if there is an EXCESS). The maximum Floor Area Ratio as so reduced shall be rounded down or up to the nearest one hundredth. Such reduction of the lot's maximum Floor Area Ratio shall not cause the lot to be removed from its zoning district.

c. In lieu of the foregoing reductions in maximum Gross Floor Area and maximum Floor Area Ratio there may instead be contributed to the Town's Housing Trust the product of \$31,000 multiplied by the EXCESS as hereabove determined. Upon such contribution the maximum Gross Floor Area and the maximum Floor Area Ratio shall not be reduced as hereabove set forth. Such contribution shall be independent of any action or contribution required or allowed under Section 4.08."

Or act on anything relative thereto.

No motion was offered under Article under Article Twenty and therefore, no debate was held.

TWENTY-SECOND ARTICLE

Submitted by: Isaac Silberberg, TMM14

Resolution calling for the General Court of Massachusetts to reinstate the effect of State And Local Tax (SALT) deductions.

To see if the Town will adopt the following Resolution or will amend and adopt the Resolution or will act on anything relative thereto:

WHEREAS, Brookline relies on local taxation to provide town services and educational opportunities to its residents,

WHEREAS, the Commonwealth of Massachusetts levies state taxes to pay for crucial initiatives and programs,

WHEREAS, federal tax reform legislation signed into law in December 2017 placed a cap on total state and local tax deductions which an individual may claim, penalizing members of communities which choose to invest in themselves,

WHEREAS, states across the country have enacted legislation to ease the burden such a cap creates on taxpayers,

THEREFORE, BE IT RESOLVED that Brookline Town Meeting calls on the General Court of Massachusetts to pass legislation which enables the Commonwealth of Massachusetts, as well as its cities and towns, to provide tax relief to citizens by reinstating the full effect of state and local tax deductions,

BE IT FURTHER RESOLVED that the Town Clerk shall submit a copy of this resolution to our representatives and representatives-elect in the General Court of Massachusetts upon passage,

Or act on anything relative thereto,

Isaac Silberberg – TMM #14 stated this Article requests the state legislature to consider legislation mitigating the new federal cap on SALT tax deductions, The goal would be to create a structure to recreate the effect of SALT deductions without negatively impacting state, city or town budgets. It is merely a request to the legislature to examine the issue and to determine what is both possible and appropriate for the Commonwealth of Massachusetts. Mr. Silberberg urges Favorable Action,

John Doggett – TMM #13, for the Advisory Committee, stated .the Advisory Committee expressed a number of concerns about this Warrant Article. He stated that there was not enough data on the tax code changes to determine if there is a serious problem for Brookline. He added that there is a complete lack of analysis of about who in the Town will benefit and by how much. He further added that the cap is legal or feasible. <Mr. Doggett stated that the proposal's goals was not clear in clawing back revenues from the federal government and that some members thought it might perpetuate a tax cut for the well off. Mr. Doggett stated the Advisory Committee felt this was not the issue to be expending valuable political capital on Beacon Hill. Mr. Doggett stated that the Advisory Committee, by a vote of 15-2-3, recommends No Action.

Heather Hamilton – TMM #AL, for a unanimous Select Board, stated, while the Board realizes that the impact of the SALT changes still need to be understood, the revised language allows Town Meeting to express concerns that may need to be addressed at both the state and local levels. The Select Board believes there is no harm in moving forward with the language of this resolution. Ms. Hamilton further stated, if anything it shows that the Board is listening when residents express concerns over affordability as we tackle more and more debt exclusions and operational overrides. Ms.. Hamilton stated that the Select Board urges Favorable Action.

Harry K. Friedman – TMM #12 stated that while this Article is a well-meaning attempt to do something about the lost tax deductions under the new federal law, he opposes this Article. Mr. Friedman stated that the only way state and local governments can mitigate the loss in deductions is to grant a tax credit - leaving the state or the Town in a position to collect less revenue.

Upon motion of Isaac Silberberg – TMM #14 and seconded by Heather Hamilton - TMM #AL, the following motion was DEFEATED

MOVED: That the Town adopt the following Resolution:

Resolution calling for the General Court of Massachusetts to reinstate the effect of State and Local Tax (SALT) deductions.

WHEREAS, Brookline relies on local taxation to provide town services and educational opportunities to its residents,

WHEREAS, federal tax reform legislation signed into law in December 2017 placed a cap on total state and local tax deductions which an individual may claim,

WHEREAS, the Commonwealth of Massachusetts levies state taxes to pay for crucial initiatives and programs,

WHEREAS, states across the country are considering, and at least one state has enacted legislation to ease the burden such a cap creates on taxpayers,

THEREFORE, BE IT RESOLVED that Brookline Town Meeting calls on the General Court of Massachusetts to consider legislation which enables the Commonwealth of Massachusetts, as well as its cities and towns, to mitigate the effect on taxpayers of federal limits state and local tax deductions,

BE IT FURTHER RESOLVED that the Town Clerk shall submit a copy of this resolution to our representatives and representatives-elect in the General Court of Massachusetts upon passage.

TWENTY-THIRD ARTICLE

Submitted by: Jules Milner-Brage, TMM12

Resolution calling for study of restoring the Olmsted bridle path along the median of Beacon Street in Brookline (and inclusion of funding in the Town's Fiscal Year 2020 budget for such a study)---

To see if the Town will adopt the following resolution:

WHEREAS, Beacon Street is a cherished and prominent public space which provides one of the important east-west routes across Brookline and also serves many local residents and businesses;

WHEREAS, Beacon Street was designed by Frederick Law and John Charles Olmsted in the 1880s, "to make [it] attractive, not only because of the unusual convenience secured, but also because of the sylvan beauty to be enjoyed in passing over it;"

WHEREAS, the Olmsteds' design for Beacon Street conceived of it as, "first, [being] a spacious, direct trunk-line thoroughfare, specially adapted to pleasure driving, riding, and walking; and, second, [having] a cable railway...laid in the midst of [the] avenue...[and] screened on each side by two rows of trees growing in well-prepared borders;" and it remains essentially so to this day, except for one element;

WHEREAS, the Olmsteds' original design included a dedicated facility along Beacon Street's median to accommodate (horseback) "riding" use, a facility known as the "bridle-way"---which abutted the "railway" on its wider side and was distinct from the (driving) "carriage-way" further toward the street's outer edge there---that was enjoyed by local residents for decades before it was obscured in the 1930s;

WHEREAS, the Olmsteds' goals---that the "bridle-way" (specifically) be a space "where those using it may have greater enjoyment of the sociability of a promenade" and that Beacon Street (broadly) be both "a resort, and...a route of travel"---were served, in their original design, by consolidating "riding" activity in a dedicated, common (two-way) facility and by positioning both the median "bridle-way" and the two outer-edge "sidewalks" directly alongside (and thus within the shelter of) shade-tree plantings;

WHEREAS, separating modes of traffic with differing mass and/or speed ---as a means for reducing conflicts and increasing safety and comfort for all street uses---was a design principle championed by Frederick Law Olmsted, was a central aspect of Beacon Street's original design, and today is considered a transportation-engineering best practice in the design of major thoroughfares;

NOW, THEREFORE, BE IT RESOLVED, that Town Meeting calls for study of the feasibility and impacts of one/more approaches to (re)establishing a protected path suitable for two-way moderate-speed person-scale non-car travel abutting the median railway along the whole extent of Beacon Street in Brookline (between Ayr Road and Saint Mary's Street);

and BE IT FURTHER RESOLVED, that appropriation of sufficient funds for such a study, within the Planning Department, in collaboration with the Department of Public Works, be proposed to Town Meeting in the Town's Fiscal Year 2020 budget.

Or act on anything relative thereto.¹

¹ (Source for all quotes above---)

F.L. and J.C. Olmsted, "Preliminary Plan for Widening Beacon Street from the Back Bay district of Boston to the Public Pleasure Ground at Chestnut Hill Reservoir and for Connections with Massachusetts and Commonwealth Avenues," Nov. 29, 1886. (Courtesy of the National Park Service, Frederick Law Olmsted National Historic Site, Brookline, MA.) <http://flickr.com/photos/olmsted_archives/31414486471>

Jules Eksel Milner-Bragge – TMM #12 stated that Beacon Street in Brookline is an important boulevard and public space for our Town and the region, that was designed by Frederick Law Olmsted and his firm in the 1880's. Restoring the bridle path would establish an essential characteristic of Olmsted's original design. Doing so would separate modes of travel and would improve people's access to the shade trees in the median. Restoring the bridle path would increase safety for all and improve Beacon Street's green space character. Mr. Milner-Bragge urged Favorable Action.

Heather Hamilton – TMM #AL, for a unanimous Select Board, stated that the Town Administrator viewed this as a long-term project to be studied incrementally over several years. Ms. Hamilton stated that the Select Board is interested in seeking outside funding if possible for studying this concept. Ms. Hamilton stated the Select Board urges Favorable Action.

Christopher Dempsey – TMM #6 and Chair of the Transportation Board, stated that the Transportation Board, by a vote of 5-0, voted to support this initiative and the compromise language that allows it to move forward.

Pamela C. Lodish – TMM #14, for the Advisory Committee, stated that by a vote of 20-1-0 the Advisory Committee urges Favorable Action.

Upon motion of Jules Eksel Milner-Bragge – TMM # 12 and seconded by Heather Hamilton – TMM #AL, it was UNANIMOUSLY

VOTED: That the Town adopt the following resolution:

WHEREAS, Beacon Street is a cherished and prominent public space which provides one of the important east-west routes across Brookline and also serves many local residents and businesses;

WHEREAS, Beacon Street was designed by Frederick Law and John Charles Olmsted in the 1880s, "to make [it] attractive, not only because of the unusual convenience secured, but also because of the sylvan beauty to be enjoyed in passing over it;"

WHEREAS, the Olmsteds' design for Beacon Street conceived of it as, "first, [being] a spacious, direct trunk-line thoroughfare, specially adapted to pleasure driving, riding, and walking; and, second, [having] a cable railway...laid in the midst of [the] avenue...[and] screened on each side by two rows of trees growing in well-prepared borders;" and it remains essentially so to this day, except for one element;

WHEREAS, the Olmsteds' original design included a dedicated facility along Beacon Street's median to accommodate (horseback) "riding" use, a facility known as the "bridle-way"---which abutted the "railway" on its wider side and was distinct from the (driving) "carriage-way" further toward the street's outer

edge there---that was enjoyed by local residents for decades before it was obscured in the 1930s;

WHEREAS, the Olmsteds' goals---that the "bridle-way" (specifically) be a space "where those using it may have greater enjoyment of the sociability of a promenade" and that Beacon Street (broadly) be both "a resort, and...a route of travel"---were served, in their original design, by consolidating "riding" activity in a dedicated, common (two-way) facility and by positioning both the median "bridle-way" and the two outer-edge "sidewalks" directly alongside (and thus within the shelter of) shade-tree plantings;

WHEREAS, separating modes of traffic with differing mass and/or speed ---as a means for reducing conflicts and increasing safety and comfort for all street uses-- -was a design principle championed by Frederick Law Olmsted, was a central aspect of Beacon Street's original design, and today is considered a transportation-engineering best practice in the design of major thoroughfares;

NOW THEREFORE, BE IT RESOLVED that Town Meeting requests the Town Administrator to assign staff as he deems appropriate to a Scope of Services necessary to engage a consultant to study the concept and feasibility of establishing a protected path suitable for two-way, non-motorized travel along the full length of the Beacon Street median in Brookline, estimate the costs associated with such a study, and identify potential funding sources. Said Scope would be prepared in sufficient time to be considered for inclusion in the Town's FY 2021-2026 Capital Improvement Plan (CIP).

Upon motion made and duly seconded, it was by a MAJORITY]

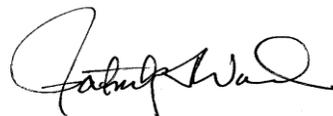
VOTED: To dissolve the 2018 Fall Special Town Meeting.

At the close of the meeting the checkers reported that the names of Two Hundred and Thirty-Two (232) Town Meeting Members had been checked as present at this meeting.

DISSOLVED:

A T T E S T:

Patrick J. Ward



Town Clerk

Special Town Meeting - November 13, 2018

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

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|--------------------|--------|-------------------------------|------------------------------------|-------------------------------|
| S. | P02 Roberts | 24 | No | No | Yes |
| L. | P02 Schachter-Kahl | 25 | Yes | | |
| J. | P02 Shreffler | 26 | No | Yes | No |
| D. | P02 Spiegel | 27 | No | Yes | No |
| S. | P02 Spiegel | 28 | | | |
| C. | P02 Studdard | 29 | | | |
| B. | P02 Wolff | 30 | | | |
| K. | P03 Becker | 31 | No | No | Yes |
| H. | P03 Bohrs | 32 | | Yes | No |
| Ma | P03 Dewart | 33 | No | Yes | No |
| Mu | P03 Dewart | 34 | No | Yes | No |
| B. | P03 Doughty | 35 | Yes | Yes | Yes |
| D. | P03 Doughty | 36 | No | No | Yes |
| J. | P03 Gilman | 37 | Yes | Abstain | No |
| G. | P03 Jones | 38 | | Yes | No |
| D. | P03 Leka | 39 | Yes | Abstain | No |
| M. | P03 Levene | 40 | Yes | Yes | No |
| M. | P03 Sandman | 41 | No | Yes | Yes |
| K. | P03 Scanlon | 42 | Yes | No | No |
| F. | P03 Steinfield | 43 | Yes | No | No |
| R. | P03 Stone | 44 | No | Abstain | Yes |
| M | P03 Wiecek | 45 | No | Yes | |
| S. | P04 Axelrod | 46 | Yes | Yes | No |
| S. | P04 Boehs | 47 | No | Yes | Yes |
| A. | P04 Christ | 48 | No | Yes | No |

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|-----------------|--------|-------------------------------|------------------------------------|-------------------------------|
| M. | P04 Farlow | 49 | Yes | Yes | No |
| D. | P04 Fishman | 50 | | No | No |
| P. | P04 Frumkin | 51 | No | Yes | No |
| N. | P04 Gerdts | 52 | Yes | Yes | No |
| K. | P04 Givens | 53 | Yes | No | No |
| J. | P04 Mulhane | 54 | No | Yes | Yes |
| M. | P04 Nobrega | 55 | Yes | Yes | No |
| J. | P04 Ortiz | 56 | | | |
| J. | P04 Shaw | 57 | | | |
| M. | P04 Siegel | 58 | | | |
| V. | P04 Smith | 59 | Yes | Yes | No |
| R. | P04 Volk | 60 | Yes | Yes | Yes |
| R. | P05 Daves | 61 | No | No | Yes |
| B. | P05 DeWitt | 62 | | Yes | |
| C. | P05 Drake | 63 | No | Yes | Yes |
| O. | P05 Fischer Fox | 64 | No | Yes | No |
| A. | P05 Lindenboim | 65 | No | Abstain | No |
| W. | P05 Machmuller | 66 | Yes | Yes | No |
| H. | P05 Mattison | 67 | No | No | No |
| D. | P05 Meiklejohn | 68 | No | Yes | No |
| F. | P05 Michaels | 69 | | | |
| A. | P05 Naro | 70 | No | Yes | |
| P. | P05 O'Leary | 71 | | | |
| A. | P05 Olins | 72 | No | Yes | No |
| W. | P05 Reyelt | 73 | | Yes | |

| First Name | Last Name | Keypad | Article 17 - Main Motion | STM 2 Article 1 - Main Motion | Article 10 - Main Motion |
|------------|-----------------|--------|--------------------------|-------------------------------|--------------------------|
| | | | 2 | 3 | 4 |
| C. | P05 Stampfer | 74 | No | Yes | No |
| E. | P05 Wurster | 75 | No | Yes | Yes |
| C. | P06 Anderson | 76 | No | | No |
| J. | P06 Bassett | 77 | No | Yes | Yes |
| B. | P06 Bergstein | 78 | No | Yes | No |
| A. | P06 Conquest | 79 | Yes | No | No |
| C. | P06 Dempsey | 80 | No | Yes | No |
| S. | P06 Englander | 81 | Yes | No | No |
| B. | P06 Hochleutner | 82 | No | Yes | Yes |
| V. | P06 LaPlante | 83 | Yes | | No |
| C. | P06 Richmond | 84 | No | Abstain | No |
| J. | P06 Rudolph | 85 | Yes | Yes | No |
| D. | P06 Saltzman | 86 | No | Yes | Yes |
| K. | P06 Smith | 87 | Yes | No | No |
| R. | P06 Sneider | 88 | Yes | Yes | No |
| A. | P06 Trecker | 89 | Yes | Yes | No |
| T. | P06 Vitolo | 90 | Yes | Yes | No |
| S. | P07 Cohen | 91 | No | No | No |
| C. | P07 Electris | 92 | Yes | Abstain | No |
| S. | P07 Ellis | 93 | Yes | Yes | No |
| E. | P07 Frey | 94 | Yes | Yes | No |
| P. | P07 Giller | 95 | No | Yes | No |
| S. | P07 Granoff | 96 | No | Yes | No |
| M. | P07 Gray | 97 | Yes | Yes | No |
| K. | P07 Hardebeck | 98 | No | No | No |

| First Name | Last Name | Keypad | Article 17 - Main Motion | STM 2 Article 1 - Main Motion | Article 10 - Main Motion |
|------------|------------------|--------|--------------------------|-------------------------------|--------------------------|
| | | | 2 | 3 | 4 |
| M. | P07 Levy | 99 | | Yes | |
| J. | P07 Margolis | 100 | Yes | Yes | No |
| D. | P07 Pantalone | 101 | No | No | No |
| S. | P07 Provost | 102 | | Yes | |
| R. | P07 Shon-Baker | 103 | | | |
| J. | P07 Slayton | 104 | No | Yes | No |
| I. | P07 Wapinski | 105 | Yes | Yes | No |
| L. | P08 Bernard | 106 | Yes | Yes | No |
| T. | P08 Burns | 107 | Yes | No | |
| A. | P08 Cox | 108 | No | Yes | Yes |
| G. | P08 Crandell | 109 | No | Yes | No |
| D. | P08 Goldstein | 110 | No | Yes | |
| J. | P08 Harris | 111 | No | Yes | No |
| A. | P08 Johnson | 112 | No | Yes | No |
| E. | P08 Loechler | 113 | No | Yes | No |
| H. | P08 Margolis | 114 | No | Yes | Yes |
| R. | P08 Miller | 115 | No | Yes | No |
| K. | P08 Poverman | 116 | | | |
| B. | P08 Scotto | 117 | No | Yes | Yes |
| M. | P08 Toffel | 118 | Abstain | Yes | No |
| M. | P08 Toomey | 119 | No | Yes | Yes |
| D. | P08 Weitzman | 120 | Yes | Yes | No |
| E. | P09 Bellis-Kates | 121 | Yes | Yes | No |
| L. | P09 Brooks | 122 | Yes | No | No |
| R. | P09 Fernandez | 123 | | | |

| | | | Article 17 - Main Motion | STM 2 Article 1 - Main Motion | Article 10 - Main Motion |
|------------|----------------|--------|--------------------------|-------------------------------|--------------------------|
| First Name | Last Name | Keypad | 2 | 3 | 4 |
| P. | P09 Harris | 124 | Yes | Yes | No |
| N. | P09 Hinchey | 125 | | | |
| B. | P09 Jozwicki | 126 | No | Yes | No |
| J. | P09 Jozwicki | 127 | | Yes | |
| P. | P09 Katz | 128 | Yes | Yes | Yes |
| R. | P09 Lepson | 129 | Yes | Yes | No |
| H. | P09 Rosenstein | 130 | | | |
| M. | P09 Rosenthal | 131 | No | Yes | No |
| C. | P09 Swartz | 132 | | | |
| D. | P09 Tyndal | 133 | | | |
| J. | P09 Vanderkay | 134 | No | No | No |
| G. | P09 White | 135 | Abstain | No | No |
| M. | P10 Alperin | 136 | Abstain | Yes | No |
| C. | P10 Ananian | 137 | Yes | No | No |
| C. | P10 Caro | 138 | No | No | No |
| F. | P10 Caro | 139 | No | No | No |
| J. | P10 Davis | 140 | Yes | Yes | No |
| L. | P10 Davis | 141 | Yes | Yes | No |
| B. | P10 Knable | 142 | No | Yes | Yes |
| P. | P10 Lipson | 143 | No | Yes | |
| A. | P10 Maddocks | 144 | No | Yes | No |
| J. | P10 Morris | 145 | Yes | Yes | |
| T. | P10 Scholnick | 146 | Yes | Yes | |
| S. | P10 Shuman | 147 | | | |
| A. | P10 Spingarn | 148 | No | Yes | Yes |

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|-------------------|--------|-------------------------------|------------------------------------|-------------------------------|
| N. | P10 Sweitzer | 149 | Yes | Yes | No |
| R. | P10 Wilson | 150 | No | No | No |
| C. | P11 Benedon | 151 | | | |
| S. | P11 Fischer | 152 | Yes | Yes | No |
| S. | P11 Giora-Gorfajn | 153 | Yes | Yes | No |
| J. | P11 Goldsmith | 154 | | | |
| M. | P11 Gray | 155 | Yes | Yes | No |
| B. | P11 Jones-Dasent | 156 | No | Abstain | Abstain |
| D. | P11 Lescohier | 157 | No | Yes | Yes |
| K. | P11 Lewis | 158 | No | Yes | Yes |
| D. | P11 Lowe | 159 | | Abstain | No |
| R. | P11 Mautner | 160 | | | |
| A. | P11 McClelland | 161 | Yes | Abstain | No |
| M. | P11 Moran | 162 | | No | No |
| D. | P11 Pollak | 163 | No | Yes | Yes |
| B. | P11 Sheehan | 164 | Yes | No | Yes |
| J. | P11 Wachter | 165 | Yes | No | No |
| S. | P12 Bruce | 166 | Yes | Yes | No |
| M. | P12 Burstein | 167 | Yes | No | |
| N. | P12 Daly | 168 | | Yes | |
| H. | P12 Friedman | 169 | No | No | No |
| J. | P12 Grand | 170 | No | Yes | No |
| S. | P12 Greenfield | 171 | | Yes | No |
| C. | P12 Hatchett | 172 | | | |
| A. | P12 Hummel | 173 | No | No | No |

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|------------------|--------|-------------------------------|------------------------------------|-------------------------------|
| J. | P12 Karon | 174 | Yes | Yes | No |
| D. | P12 Klafter | 175 | Yes | No | No |
| M. | P12 Lowenstein | 176 | No | No | No |
| H. | P12 Margolis | 177 | Yes | No | No |
| J. | P12 Meyers | 178 | No | Yes | Yes |
| J. | P12 Milner-Barge | 179 | Abstain | Yes | No |
| W. | P12 Slotnick | 180 | | Abstain | |
| M. | P13 Aschkenasy | 181 | Yes | No | No |
| J. | P13 Baker | 182 | Yes | No | No |
| C. | P13 Benka | 183 | No | Yes | Yes |
| C. | P13 Chanyasulkit | 184 | | | |
| J. | P13 Doggett | 185 | No | No | Abstain |
| A. | P13 Fischer | 186 | Yes | | No |
| J. | P13 Freeman | 187 | No | No | No |
| F. | P13 Hoy | 188 | | | |
| R. | P13 Kaplan | 189 | | | |
| W. | P13 Lohe | 190 | Yes | Yes | |
| P. | P13 Saner | 191 | No | No | Yes |
| L. | P13 Selwyn | 192 | No | Yes | No |
| B. | P13 Senecal | 193 | No | Yes | |
| A. | P13 Tadmor | 194 | Yes | Yes | No |
| J. | P13 VanScoyoc | 195 | No | Yes | No |
| C. | P14 Brown | 196 | No | Yes | Abstain |
| G. | P14 Fishman | 197 | | | |
| P. | P14 Friedman | 198 | | | |

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|----------------|--------|-------------------------------|------------------------------------|-------------------------------|
| K. | P14 Goldstein | 199 | Abstain | Yes | Yes |
| F. | P14 Levitan | 200 | No | No | Yes |
| R. | P14 Lipson | 201 | No | Yes | Yes |
| P. | P14 Lodish | 202 | No | Abstain | Yes |
| S. | P14 Mittel | 203 | No | Yes | |
| K. | P14 O'Connell | 204 | Yes | Yes | No |
| B. | P14 Rich | 205 | | | |
| L. | P14 Roseman | 206 | No | Yes | Abstain |
| S. | P14 Schoffmann | 207 | No | Yes | No |
| J. | P14 Segel | 208 | | | No |
| I. | P14 Silberberg | 209 | Yes | Yes | No |
| S. | P14 Zelkha | 210 | Yes | No | No |
| E. | P15 Berger | 211 | No | Yes | No |
| A. | P15 Coffin | 212 | | No | |
| E. | P15 Cunningham | 213 | Yes | No | No |
| J. | P15 Flanagan | 214 | Yes | | No |
| B. | P15 Gutman | 215 | Yes | No | No |
| J. | P15 Hall | 216 | | | |
| B. | P15 Hallowell | 217 | | Abstain | No |
| J. | P15 Kahn | 218 | Abstain | No | No |
| K. | P15 Knauf | 219 | Yes | No | No |
| I. | P15 Krepchin | 220 | No | No | Yes |
| R. | P15 Liao | 221 | Yes | Yes | No |
| R. | P15 Nangle | 222 | Yes | No | No |
| D. | P15 Pearlman | 223 | Yes | No | No |

| First Name | Last Name | Keypad | Article 17 - Main Motion 2 | STM 2 Article 1 - Main Motion 3 | Article 10 - Main Motion 4 |
|------------|------------------|--------|-------------------------------|------------------------------------|-------------------------------|
| J. | P15 Rourke | 224 | | | |
| C. | P15 Van Der Ziel | 225 | Yes | No | No |
| S. | P16 Allaire | 226 | No | Yes | Yes |
| A. | P16 Bowman | 227 | Yes | Yes | No |
| S. | P16 Chiumenti | 228 | No | Yes | Yes |
| R. | P16 Frawley | 229 | Yes | No | No |
| S. | P16 Gladstone | 230 | No | Yes | Abstain |
| M. | P16 Harrington | 231 | No | Yes | No |
| J. | P16 Jette | 232 | No | Yes | No |
| A. | P16 Jonas | 233 | No | Yes | No |
| J. | P16 Leichtner | 234 | No | Yes | No |
| P. | P16 Mehta | 235 | | | |
| W. | P16 Pu | 236 | No | Yes | Yes |
| I. | P16 Scharf | 237 | | | |
| N. | P16 Shpritz | 238 | Yes | Yes | Yes |
| T. | P16 Sullivan | 239 | | | |
| C. | P16 Thall | 240 | | Yes | Abstain |
| B. | TAL Franco | 241 | No | No | Yes |
| E. | TAL Gadsby | 242 | Abstain | Abstain | Abstain |
| B. | TAL Greene | 243 | No | Yes | Yes |
| H. | TAL Hamilton | 244 | Yes | No | Yes |
| N. | TAL Heller | 245 | No | Yes | No |
| Hon. F. | TAL Smizik | 246 | | Yes | |
| P. | TAL Ward | 247 | Abstain | Abstain | Abstain |

| First Name | Last Name | Keypad | Article 17 - Main Motion | STM 2 Article 1 - Main Motion | Article 10 - Main Motion |
|--------------------------|---------------|--------|--------------------------|-------------------------------|--------------------------|
| N. | TAL Wishinsky | 248 | No | Yes | Yes |
| Total 1 = Yes | | | 83 | 134 | 44 |
| Total 2 = No | | | 104 | 58 | 139 |
| Total 3 = Abstain | | | 9 | 17 | 9 |
| Total Voters | | | 196 | 209 | 192 |
| Total Yes + No | | | 187 | 192 | 183 |
| % Yes | | | 44.39% | 69.79% | 24.04% |
| % No | | | 55.61% | 30.21% | 75.96% |
| Pass Threshold | | | 50.00% | 50.00% | 50.00% |
| Pass/Fail | | | Fail | Pass | Fail |