TOWN OF BROOKLINE
MASSACHUSETTS

REPORTS OF SELECTMEN AND ADVISORY COMMITTEE

on the

Articles in the Warrant

for the

SPECIAL TOWN MEETING

I hereby certify that the actions as indicated on the within pages were taken at the Special Town Meeting called for Tuesday, November 14, 2017, at 7:30 P.M. and dissolved at 8:53 P.M.

ATTEST:

Patrick Joseph Ward

Town Clerk

Town of Brookline

BOARD OF SELECTMEN

Neil A. Wishinsky, Chairman

Benjamin J. Franco **Nancy S. Heller**

Bernard W. Greene **Heather A. Hamilton**

Melvin A. Kleckner, Town Administrator

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Edward N. Gadsby, Jr.

ADVISORY COMMITTEE

Sean M. Lynn-Jones, Chair, 53 Monmouth Street 738-6228
Carla Benka, Vice-Chair, 26 Circuit Road 277-6102
Benjamin Birnbaum, 15 Feneno Terrace, ... 276-5944
Clifford M. Brown, 9 Hyslop Road 232-5626
Carol Caro, 1264 Beacon Street, #2 739-9228
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John Doggett, 8 Penniman Place 739-7266
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Alisa G. Jonas, 333 Russett Road 469-3927
Janice Kahn, 63 Craftsland Road 739-0606
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Bobbie M. Knable, 243 Mason Terrace 731-2096
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Fred Levitan, 1731 Beacon Street 734-1986
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Shaari S. Mittel, 309 Buckminster Road 277-0043
Mariah Nobrega, 33 Bowker Street 935-4985
Susan Roberts, 69 Green Street 566-0204
Michael Sandman, 115 Sewall Ave., No. 4 232-7125
Lee L. Selwyn, 285 Reservoir Road 277-3388
Charles Swartz, 69 Centre Street 731-4399
Christine M. Westphal, 31 Hurd Road 738-7981

Lisa Portscher, Executive Assistant, Town Hall 730-2115

NOVEMBER 14, 2017
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ARTICLE NO.	TITLE
1.	Release or re-appropriation of May 2017 Baldwin School Special Appropriation for an expanded purpose. (Mariah Nobrega, Dan Saltzman, Lauren Bernard)

2017 SPECIAL TOWN MEETING WARRANT REPORT

The Board of Selectmen and Advisory Committee respectfully submit the following report on Articles in the Warrant to be acted upon at the 2017 Special Town Meeting to be held on Tuesday, November 14, 2017 at 7:30 p.m.

Note: The following pages of this report are numbered consecutively under each article.

ARTICLE 1

BOARD OF SELECTMEN'S SUPPLEMENTAL RECOMMENDATION

Article 1 seeks to re-appropriate funds previously approved by Town Meeting to study site alternatives for a new (9th) elementary school. The prior appropriation of $1.5 million was limited to feasibility study and schematic design services at the Baldwin School site at 490 Heath Street. However, it has been determined that, due to land use restrictions imposed by Article 97 of the Articles of Amendment to the Massachusetts Constitution, the October 2017 "Smith v. City of Westfield" Supreme Judicial Court case, and recently identified federal Land, Water and Conservation Fund grant restrictions, the scope of a project at the Baldwin site requires additional consideration. In addition, the Board of Selectmen and School Committee has expanded consideration to land at Pine Manor College on Heath Street. The proposed vote seeks funds to study other sites including, but not limited to, the Baker School site at 205 Beverly Road, and the Pierce School site at 50 School Street. It seeks a total appropriation of up to $1,000,000 that is sequenced/conditioned as follows; 1.) $300,000 may be expended for comprehensive site evaluation services including legal, environmental engineering, architectural, land appraisal and related services on all possible sites under consideration. 2.) Following a public process, the boards may expend an additional $400,000 for feasibility design services. 3.) If, following the public process the boards determine multiple sites are preferred, it may expend an additional $300,000 (for a total of $700,000) for feasibility design services.

It is anticipated that the Town may hire a project manager to coordinate this complicated and time sensitive process. The study process will be strategic in order to spend the funds wisely and timely in order to make a decision to meet the Annual Town Meeting timeframe and to inform the Fiscal Year 2019 budget process (including a potential tax override proposal).

The Motion originally proposed for this purpose under Article 5 of the Special Town Meeting is no longer required and the Board of Selectmen recommend NO ACTION under Article 5.

Brookline's 9th Elementary School – Update November 6, 2017

Brookline's eight elementary schools are all overcrowded, and we share the feelings of need, hope, frustration and urgency that are being felt throughout our community, and particularly by our school families and educators. Much has been done to address the dramatic enrollment growth in our schools – passing two operating overrides in 2008 and 2015, hiring new teachers and staff, and adapting and enlarging our existing school buildings so that they continue to serve as well as possible. But more needs to be done and we need another elementary school as soon as possible.

I. The Urgent Need for a 9th Elementary School: 40% Enrollment Growth and Still Growing

Ten years ago only two of our elementary schools served more than 550 students. Now they all do. We have absorbed more than 1,500 elementary students over a dozen years and we are expecting hundreds more. This 40% growth to date is the equivalent of more than three schools' worth based on the average enrollment at the beginning of the expansion, all squeezed into our existing eight schools.

Class sizes have grown significantly- by an average of 10% - and we now have 80 classrooms with 22 or more students by [X date]. Hallways, cafeterias, and gyms are all overcrowded. Children eat lunch starting before 10:30 a.m. and they take physical education at the Teen Center. Children are learning in hallways and stairwells and every kind of available space throughout our buildings.

We have added 58 classrooms at our eight schools. We have built classrooms, divided classrooms, made classrooms out of hallways and locker rooms and libraries and offices. We are renting space for classrooms. We've leased modular classrooms. At this point, we have no more room for classrooms. More importantly, while we've been adding all these classrooms and teachers we haven't been adding all of the other spaces that are essential to schooling. Gyms, cafeterias, auditoriums and libraries are all now way too small for the number of kids in our buildings. The same is true for smaller spaces: In the 2015 override we added many much-needed math and literacy specialists, guidance counselors and nurses, but we didn't add any place for them to work with their students.

Here are just a few examples of what this looks and feels like:

- At Baker, we have a music room and two art rooms directly beneath the gym, which means students are trying to play music with loud basketballs and footfalls thumping above.
- At Baker we also have the Principal and one Vice Principal sharing office space, which means they can't have simultaneous confidential conversations with parents (or about students).
- At Driscoll, we have 5 lunches, starting as early as 10:15 and as late as 12:50.
- At Pierce, we have a second grade classroom in a key tunnel between two buildings, meaning that some 200 students from Pierce Primary (10 classrooms) need to walk through that classroom to get to lunch and specials (art etc.) every day.
- At Heath, students need to walk through an active Spanish class to get to another classroom. The room is so small that there isn't space for enough desks, so kids sit on the floor.
- At Lawrence, we have begun to carve up the Library -- adding a middle school classroom into that space.

II. The Response: What Has Been Done So Far

Over the past decade we have had two site location studies, four enrollment projection studies, two site selection processes, and hundreds of public meetings. All of this work is readily available online and catalogued at https://www.brookline.k12.ma.us/school9. The first two major studies – the School Facilities Master Plan (2009) and B-SPACE (2013) both carefully considered the difficulty of finding a 9th school site and recommended the

"expand-in-place" strategy that has been actively and successfully implemented but has now run its course.
It has been clearly understood that the current and projected enrollment growth is throughout Brookline, and that an ideal solution would be to build both a new north Brookline school and a new south Brookline school. This was often discussed but not seriously considered because the cost would be very difficult to support, particularly along with the Devotion School expansion/renovation and the BHS expansion projects. Facing the need to add facilities for 600-800 more elementary students, the Board of Selectmen and the School Committee opted to invest in one new excellent facility in order to maximize quality and minimize cost, fully understanding that this would mean significantly more transportation of students than a two school solution no matter what location is chosen.

Many, many possible sites have been identified, studied and evaluated in the course of all of this work. The 2015 Civic Moxie study canvassed the entire town and identified a preliminary list of 26 sites of interest, including town-owned and privately-owned sites, open sites and sites with buildings on them. That list was eventually narrowed down to three sites and in October, 2016 the Board of Selectmen, together with the School Committee, chose one preferred site – the Baldwin School – and set aside all of the other sites for a variety of reasons. Baldwin was selected over Stop & Shop and Baker School for three reasons: because it is an underutilized school property, because it is adjacent to a magnificent town park, and because it would not significantly impact the Baker School campus.

III. Sites That Have Been Investigated and Set Aside

Here is an overview of concerns associated with some of the most interesting and heavily discussed sites that were considered and set aside:

Baker School:

- Adjacent wetlands restricts buildable area on southwestern edge of property;
- Doubles the number ofstudents on one campus;
- The effect of the Westfield decision on the Town's use of the playground portion of the site is under review.

Stop & Shop:

- Significantly more complex than Baker or Baldwin;
- Significantly more expensive than Baker or Baldwin;
- Disparate ownership of parcels;
- Environmental concerns relating to gas station, the car wash, and even the supermarket which had once been a manufacturing building;

The need to plan and execute a mixed-use public/private project that includes all the aspects of a major supermarket with an international corporation. **Parks including Larz Anderson Park, Putterham Meadows Golf Course, and Amory Playground:**

- Protected under Article 97/LWCF grant so could only be built on after providing replacement land for the entire parcel along with a unanimous vote of the Park and Recreation Commission.

Skyline Park:
- Protected under Article 97;
- A capped solid waste landfill.

Transfer Station:
- Fully utilized operational facility;
- Capped landfill;
- Soils issues;
- Wetlands area restrictions.

Municipal Service Center:
- Fully utilized, operational (and recently renovated) facility;

Centre Street Parking Lot:
- Fully utilized supporting all Coolidge Corner merchants;
- Limited size, lack of open space;
- Impact on business during construction;
- Heavily congested area;
- Very close proximity to recently expanded Devotion School.

The Kent Street and Webster Place Parking Lots:
- Less than ½ acre each
- Fully utilized supporting all Brookline Village merchants;
- Assembling three, four or more adjacent private parcels would approach the complexity of Stop & Shop and still result in a marginally sized site of under two acres.

The Old Lincoln School:
- Too small (approx. 450 capacity without assembling private property as contemplated in the Civic Moxie Report);
- Critical ongoing use as swing space facility for all town projects;
- Needed for BHS enrollment growth as well as swing space to support BHS Expansion Project;
- After the BHS Expansion Project is complete then it will be critical as swing space to make a renovation of the Pierce School possible.

Pierce School: Pierce is and has been the next school building in line for modernization. Evaluation of Pierce as a site for two co-located schools as part of a demolition/replacement/expansion project will need to consider:
- Site adequacy, including Pierce Playground and the limited bridge access;
- Technical feasibility of this small, tight, steeply sloping site and integrated with the town's four interconnected underground parking garages.

- Site accessibility with several hundred additional students;
- Cost including ability to take on a major renovation/replacement at the same time as the addition of the 9th school, complexity factors, and potential acquisition costs for purchased/eminent domain parcels;
- Time considerations relating to complexity, phasing, and longer project duration associated with a potential MSBA partnership;
- Meeting the enrollment capacity need if a four- or five-section Pierce works, but the site won't accommodate two schools.

Other Schools – Driscoll, Lincoln, and/or Heath:

- None of these sites would accommodate a 9th school.
- The effect of the Westfield decision on the Town's use of these playgrounds will need to be reviewed.

Privately Owned Sites: While building on town-owned land was always a first option because it asks less of the taxpayers, purchasing private property (either through finding a willing seller or utilizing the power of eminent domain) has been vigorously investigated. Many sites have been considered, and the town has had numerous meetings with many landowners. To date no landowner has ever offered to enter into any serious discussions that might lead to acquiring a site for the 9th elementary school. Every landowner has said that they are not interested in selling, including those listed below – all of them were approached and asked. These include:

TJ Maxx:

- Location on the edge of town in an area without projected growth was relatively undesirable in relation to the expanded capacity coming on line at Edward Devotion School.

Amory Street/Cottage Farm:

- Local Historic District bylaw and review process would highly restrict the scale and character of what can be built and increase uncertainty;
- Would have required purchase/ lease from an unwilling private owner;
- Due to concerns of the already overused Amory Park, would need for all of the play space to also be squeezed on the small site.

30 Webster Street:

- Too small;
- Poorly configured on eight separate small floorplates;
- No outdoor play space other than a partially underground parking area;
- Close to recently expanded Edward Devotion School.

Parsons Field (owned by Northeastern University):

- Located on the edge of town and only a block from the Lawrence School.

Bournewood Hospital

- Treatment hospital serves an essential public purpose that cannot be readily moved or replicated elsewhere;
- Safety concerns rule out co-locating a school with the hospital.

Sears Road subdivision adjacent to Buttonwood Village:

- Limited street frontage and vehicular access;
- Substantial wetlands on the site parcels.

Allandale Farm:

- Brookline's only working outdoor farm;
- Most of land in active cultivation;
- Numerous streams and wetlands across the site.

IV. Where We Stand Today

Three sites are under current consideration for the 9th Elementary School:

- Move forward with our current plans to build on the Baldwin site by pursuing a land swap that would provide the town with new park land to replace Baldwin Playground and for the portions of Soule Recreation area required for access or other school use.;
- Acquire land from Pine Manor College through purchase or the power of eminent domain, and build the 9th Elementary School on that site;
- Build the 9th Elementary School on the smaller Baldwin School (north) parcel and continue to use Baldwin Playground as the school playground.

We have developed preliminary plans for a truly excellent new school on the Baldwin School property. It remains a great design that we would be thrilled to build, and the 9th Elementary School at Baldwin would benefit from its adjacency to the wonderful Soule Recreation Center. However, two legal considerations have changed since a year ago, relating first to a small federal grant that was received in 1976 and second to a recent Massachusetts Supreme Judicial Court (SJC) decision in the case of Smith v. the City of Westfield.

The Baldwin design has maintained the paved play area as recreational open space because of a modest federal Land and Water Conservation (LWCF) grant that was used to improve the paved play area. However, in April 2017 the National Parks Service opined that the entire Baldwin Playground is protected from development by the Land and Water Conservation Fund Act. This means that we would either have to challenge NPS's determination or provide equal replacement property for the Baldwin Playground. This process would be lengthy and uncertain in outcome.

Last month, the SJC published its decision in the Smith v. the City of Westfield, reversing earlier decisions of the trial and appeals courts that had previously ruled in favor of the City. While the Westfield decision is grounded in the specific facts of that case, it has the effect of calling into question a municipality's freedom to develop a school on any property that has been in use as a park.

The playgrounds at our elementary schools have different levels of protection from school development. For example, Pierce Park and the Lawrence Playground were improved with LWCF grant funds and therefore are considered to be protected. Additionally, these playgrounds are under the jurisdicition of the Parks & Recreation Commission. Other school playgrounds are not likely to be protected from school development and are under the jurisdiction of the School Committee. However, each of these sites, including those of the Baker, Driscoll, Heath, Lincoln and Runkle Schools, will need to be analyzed in the wake of the Westfield decision.

Acquiring new property for a 9th elementary school may be the only clear path to getting a new school built in a reasonable time frame and without significant legal delays. We have been looking for a long time and have not found any suitable sites that are for sale. Consequently, the Board of Selectmen decided that they will consider using the power of eminent domain to acquire a suitable site.

Pine Manor's property at the corner of Woodlawn and Heath Streets drew the Boards' attention because the college has a recent history of selling off pieces of land for residential development, and because they have, in fact, subdivided three buildable house lots on land that is directly adjacent to Soule Recreation Center. We note that representatives of Pine Manor College have stated that the College is not interested in selling land to the Town and that they will oppose an Eminent Domain taking.

JLA, the 9th School architects, were asked to look at that corner property and do a preliminary "test fit" exercise to see if the 9th School at Baldwin program would fit, and how much land would be required. JLA provided a diagrammatic site plan that shows the entire program on a 7.2 acre parcel such that it respects the height, area, and setback requirements of the existing single-family zoning. The concept also sets back the building 100' from the pond.

The Pine Manor site would provide an excellent school, supporting the same exciting and wonderful 140,000 square foot school program as developed for Baldwin. The layout would be at least as good and possibly more advantageous because the site is larger.

The Pine Manor site would provide a timely way forward. By acquiring private land the town would avoid the challenges and potential delays associated with Article 97 and the Westfield decision. This assertion of a timely way forward has been challenged by a group of attorneys representing Pine Manor College and a number of local residents.

The Pine Manor site may have a lower construction cost than the current Baldwin plan because it would not include extensive improvements to the Soule Recreation Center facilities (new gym, new environmental classroom and public bathrooms, field expansion and reconstruction, etc.). However, the cost of land acquisition at Pine Manor is unknown and could make the total project cost higher at Pine Manor than at Baldwin (because the town would end up with more land and more facilities).

The Pine Manor site is likely to have lesser traffic impacts than Baldwin because it is further away from the heavily trafficked intersections of Hammond Street, Heath Street, and Route 9.

The third option is to develop a design on the north portion of the Baldwin property which has a land area of 63,851 square feet. This site is slightly larger than the Lawrence School site (63,051 square feet), and the 9th School at Baldwin program is being planned for about 100 fewer students than Lawrence accommodates as a full four-section-per-grade school. Both are next to big parks and Baldwin actually has its own school playground (in addition to Soule Recreation Center) – something that Lawrence doesn't have. The full 140,000 square foot building program would require a five story building if no encroachment into property line setbacks was allowed. No building planning for this option has been carried out to date.

V. The Way Forward

Completing Feasibility and moving forward with Schematic Design and a building project requires additional study. Warrant Article 1 enables this work and requires study of several sites. The goal will be to complete site evalulation as quickly and efficiently as possible (within an overall 90-120 day time frame). Much of the additional study will be undertaken simultaneously.

Because some of the critical information that will inform decision making will relate to potential litigation and to real estate acquisition negotiations, and because the town's litigation and negotiating poitions might be compromised if these materials were made public at present or in the near future, it is anticipated that some but not all of the study results may need to be reviewed in executive session of the Boards.

The scope of study has not been prepared but may include:

Baldwin – full site (Scheme D)

- Preliminary plans complete;
- Update cost analysis to include land acquisition/swap;
- Assess risk and cost associated with acquiring land and completing a land swap to satisfy Article 97 and LWCF requirements;
- Update comparative cost analysis.

Baldwin – north site

- Confirm that the 1.46 acre parcel is free of Article 97/LWCF constraints;
- Develop concept building plan alternative(s);
- Revisit traffic and site circulation study.
- Develop comparative cost analysis.

Pine Manor

- Complete preliminary land appraisal;
- Complete legal analysis;

- Develop comparative cost analysis.

Baker

- Further assess legal and other site constraints including conservation restrictions and Article 97 considerations in light of the SJC Westfield decision;
- Revisit programming assumptions including number of total students on site and at each of the two proposed schools;
- Revisit programming assumptions as to level of improvements needed at Baker relative to placing a completely new school adjacent.
- Revisit previously developed two-school site plans and revise as needed;
- Update comparative cost analysis.

Pierce

- Conduct a concept study including preliminary comparative cost estimates of several scenarios including:
    - Co-locate a 9th K-8 elementary school with a total two-school capacity of six- or seven-sections per grade (1,200 to 1,400 students), with or without acquisition of additional parcels;
    - Renovate and expand Pierce to a full five-section-per-grade school with a program similar to Devotion;
    - Renovate and possibly expand Pierce to a full four-section-per-grade school – fewer than are currently enrolled but more than the building was designed to serve.
- Develop comparative cost analysis.

Other Sites

- Evaluate additional privately owned sites for feasibility and cost if any site or sites identified by the town or offered by landowners demonstrate viability when compared to the sites being studied or previously set aside.

RECOMMENDATION:
On November 7, 2017, a unanimous Board of Selectmen recommended FAVORABLE ACTION on the following vote:

VOTED: That the Town re-appropriate up to $1 million in funds previously appropriated under Section 13, Special Appropriation No. 67 of Article 9 of the 2017 Annual Town Meeting, to be expended under the direction of the Building Commission, with any necessary contracts greater than $100,000 to be approved by the Board of Selectmen and the School Committee, as follows: (1) $300,000 for the purpose of further site evaluation services, including legal services, at the Baldwin/Pine Manor sites and site evaluation services, including legal services, at alternate sites, which shall include but not be limited to the Pierce School and adjacent properties, and the Baker School; (2) an additional $400,000, for further feasibility study; and (3) a further additional $300,000 (or a total of $700,000 for feasibility studies), for further feasibility study on a multi-site

solution should a multi-site solution be chosen. The evaluation and determination of a single- site or a multi-site solution prior to the expenditure of funds for feasibility studies referred to in (2) and (3) above shall include the options of constructing a new school and of demolishing, renovating, and expanding existing schools, with the determination of a single-site or multi-site solution made by the Board of Selectmen and School Committee with the advice of the Ad Hoc Subcommittee of the Advisory Committee, after evaluation information has been received by the Board of Selectmen, School Committee and Ad Hoc Subcommittee and publicly presented for discussion to the extent advised by Town Counsel.

Passed by a Counted Vote of 208 In Favor and 20 Opposed

ADVISORY COMMITTEE'S SUPPLEMENTAL RECOMMENDATION

SUMMARY:

Article 1 of the First Special Town Meeting to be held within the Fall Special Town Meeting at 7:30 p.m. on November 14, 2017 ("STM 1") offers needed flexibility in seeking a successful approach to address the increased student enrollment in the Brookline Public Schools. The First Special Town Meeting was requested by citizen petitioners so that they could propose a modified version of Article 5 of the Fall 2017 Special Town Meeting.

By a vote of 23–1–0, the Advisory Committee recommends FAVORABLE ACTION on a motion that provides that a portion of the funds appropriated by the 2017 Annual Town Meeting be used to continue investigating feasibility at Pine Manor College/Baldwin and to undertake site evaluation services (pre-feasibility) at a number of other sites, including, but not limited to, the Pierce and Baker Schools, as well as to engage in full feasibility at one or two "final" sites to build a ninth school or to expand, replace, or substantially reconstruct an existing school or schools as a means to expand enrollment capacity.

The language of the recommended motion can be found at the end of this report.

BACKGROUND:

Since 2005, the Brookline Public Schools have witnessed enrollment growth of 28% district-wide. Preliminary projections anticipate additional growth of more than 10% from FY2018 through FY2022. These enrollment increases, coupled with School Committee policies, have led to the need to expand educational facilities at both the K–8 and high school levels. "Expand-in-place" has added 54 classrooms for the elementary schools. A major capital project at Devotion is creating some additional classrooms. Private space has been leased for pre-K programs and the Pierce School's upper grades as well as for administrative purposes. Finally, new classrooms and offices have been created from existing spaces within the eight K-8 schools, sometimes with unsatisfactory results, including a principal and vice-principal sharing an office, students walking through an

active classroom to get to their class, and a classroom created in the passageway between two buildings.

The chair of the School Committee has noted that common spaces–gymnasiums, libraries, and cafeterias–have not kept pace with the growing numbers of students. As a consequence, in some schools the first lunch period starts at 10:15 a.m., and this year, at the Pierce school, gym space has been leased off-campus. The May 2015 operating override allowed the Public Schools of Brookline (PSB) to respond to the growing number of students by adding staff, but the PSB has not been able to add right-sized spaces in the schools.

In the spring of 2017, Town Meeting authorized $1.5 million to advance the design of a ninth K–8 school to address capacity in the schools. At that time, the location for the ninth school was thought to be the Baldwin School site, with access and parking in the Soule Recreation area. However, Town Meeting's vote was conditioned so that $1.4 million of the total could not be expended until a favorable vote by a subsequent Town Meeting and until such time as the Board of Selectmen, School Committee, and an Ad Hoc Subcommittee of the Advisory Committee had received the opinion of Town Counsel and/or outside counsel hired to review land use limitations and protections on both the Baldwin and Soule parcels.

When, subsequent to the May 2017 Town Meeting, the legal and procedural implications of building on a portion of the Baldwin site became clearer, the possibility of the purchase or taking by eminent domain of property belonging to Pine Manor College (PMC) came under consideration. As a result, the Board of Selectmen filed Article 5 for the Fall 2017 Special Town Meeting to be held at 7:00 p.m. on November 14, 2017 ("Article 5") to preserve the option of siting a ninth elementary school at an alternate site.

Discussions between Pine Manor and the Town regarding the use of a 7-acre site at the college were initiated by the Town in late May 2017. At a meeting between Town officials and PMC President Thomas O'Reilly, the latter expressed little interest in exploring a strategic collaboration with the Town. In early September, Town officials informed Mr. O'Reilly that the Town was considering expanding the sites under consideration for the ninth school to include use of its eminent domain authority to acquire approximately seven acres of Pine Manor-owned land along Heath St and Woodland Road.

On September 26, 2017, the Board of Selectmen announced the decision to expand consideration of ninth school sites to include the Pine Manor land. Mr. O'Reilly had been informed that the announcement was coming. Approximately one week later, on October 3rd, the Board of Selectmen and the School Committee held a joint public meeting for the presentation by JLA, the project architect, of site alternatives for a ninth school, including high level site planning for the PMC parcel to determine if a school could be built on that site.

Also in October 2017, a petition with more than 200 signatures was presented to the Board of Selectmen requesting that the Board call a Special Town Meeting to consider a proposal

(STM 1) that would expand the scope of Article 5 by examining more than one alternate site for a ninth school; by exploring the renovation and expansion of an existing K–8 school; and by contemplating a two-site solution.

DISCUSSION:

Article 5

Advisory Committee members found Article 5 lacking because of the limitations it imposes on seeking options to address school capacity challenges. The Article offers only three options, all of which were perceived to have potential disadvantages, or at least unknowns. The first option would be to build on the Baldwin and Soule sites, which would require embarking on the land conversion process mandated by both the National Park Service and Article 97 of the Massachusetts Constitution. Use of the Baldwin playground site, which lies south of the existing Baldwin School, is restricted to recreational purposes, because that site was improved with a federal Land and Water Conservation Fund grant. The National Park Service has informed the Town that the terms of the grant mandate that the entire Baldwin parcel be devoted to recreational uses. Using the Baldwin playground site for school purposes would require that the Town acquire land not currently used for public park and recreational purposes and convert it to those purposes, creating a "swap" for the land at Baldwin and Soule that would be converted for school purposes. Assuming "swap" land is available and deemed acceptable to both the Massachusetts Executive Office of Energy and Environmental Affairs and the Park Service, this approach could take considerable time to wend its way through the conversion process and ultimately would need the approval of the Park and Recreation Commission, Town Meeting, the Massachusetts Legislature, the governor of Massachusetts, and the U.S. secretary of the interior.

The second option under Article 5 would be to pursue building "Baldwin North," an up-to five-story school on the one and one-half acres of unrestricted Baldwin land. Such a small site would be unlikely to accommodate the pick-up and drop-off of students; would be almost certain to generate considerable traffic tie-ups on abutting streets; and would involve building underground parking, a costly endeavor.

The third choice under Article 5 would be to take steps to acquire PMC land and build the school on that site. To date the college and its attorneys have made clear that PMC is not interested in selling off any more of its property. They have also made clear that they are determined to fight a taking and have identified possible impacts of such action, including, at a minimum, significant time delays in proceeding with any construction project due to legal challenges under the State and local Wetlands Protection Acts.

The attorney representing 18 families who live near PMC has contended that the parcel under consideration includes a pond that is actually larger than JLA had underestimated in its site planning. Because of this miscalculation, the buildable portion of the site is actually smaller than had been assumed. The attorney also has claimed that if the development plan

failed to satisfy both the Massachusetts and Brookline wetland protection regulations, that plan would be legally challenged and resolving the issue could take up to ten years. Finally, he pointed out that due to a recent order by President O'Reilly, the Town would not be able to go on to the land to further investigate the wetlands issues.

The attorneys for PMC and for the neighboring families also warned the Town about the expenditure of considerable sums of money for court costs as well as land acquisition (the fair market value of the seven acres under consideration) and compensation for the diminution of the entire property. In the words of one of the lawyers, if the Town pursued taking Pine Manor land, it could very well be signing "a blank check with the blank filled in by a jury in Norfolk County Superior Court."

It should be noted that the Town's outside counsel have not yet opined as to the validity of the assertions made by the two attorneys, nor has outside counsel submitted a written report on the implications of the "Westfield" decision.

Most recently, it was observed by President O'Reilly that building a school on PMC land would fail to meet eight of the nine Climate Action Committee's standards for building a new school.

Some members of the Advisory Committee opposed Warrant Article 5 because they believe that building a ninth school at Baldwin or at Pine Manor is poor planning and poor policy, due to the paucity of public school students living in this part of town. Building a ninth school on either site would mean that the school would not be "walkable." Currently over 80% of K–8 students Town-wide live within reasonable walking distance of at least one school and no individual school has less than roughly 45% of its students living within such a walkable radius. A walkable school, in addition to creating and maintaining a sense of community, results in lower busing costs and reduces the overall carbon footprint of the community, with resulting financial as well as environmental implications. Other members opposed an eminent domain taking of Pine Manor property and/or building on green space.

STM 1

A vast majority of Advisory Committee members expressed a strong preference for STM 1 over Article 5 because the former offers increased flexibility in continuing the search for a solution (or solutions) to the classroom capacity issue. Although, as stated above, the assertions of the college's attorney and the neighbors' attorney regarding the legal and monetary consequences of attempting to build at Pine Manor have not yet been thoroughly vetted by the Town and its outside counsel, it would, in the opinion of almost all Advisory Committee members, be prudent to investigate additional options.

STM 1, as amended by the Advisory Committee, expands the scope of Article 5 to include an examination of more than one alternate site (in addition to Baldwin and PMC) and specifies the Pierce School and abutting Harvard Street buildings as well as the Baker School as two of those alternate sites. In addition, if, after public presentation and discussion, one "finalist" is chosen by the Selectmen and School Committee with input

from the Advisory Committee's Ad Hoc Subcommittee on a Ninth School, up to $400,000 can be expended for feasibility for that final site, but if there is more than one "finalist," up to $700,000 can be expended for feasibility for the final sites.

Under the Advisory Committee's motion, an expansion of the Baker School could occur either with the construction of another building or with an addition/additions to the existing building, along with the enlargement of common spaces. The language of the Advisory Committee's motion also makes it clear that the list of properties eligible for further investigation would not necessarily be limited to just the Baker and Pierce Schools. Finally, legal services are specifically mentioned as part of "site evaluation services." Other services, while not spelled out in the motion, are expected to include site planning, analyses of legal and/or physical limitations of the site, construction and project cost estimates, estimated project completion date, and traffic studies, when appropriate.

STM 1 allows the Town to pursue a two-site solution to the challenges of school enrollment growth, one in North Brookline and one in South Brookline. The Pierce School, built in the 1970s, would be studied as part of the two-site solution because it is located in what many residents regard as the "epicenter of school capacity need," is in serious need of complete renovation (or replacement), and has been on the waiting list for capital improvements for many years, only to be "bumped" every time by expenditures needed for classroom capacity at other K–8 schools, most recently Driscoll. The Pierce School lacks ADA-compliant bathrooms and an elevator in one of its buildings. It has space deficits, as defined by Massachusetts School Building Authority (MSBA) standards, in many of its specialized spaces. Pierce's other deficiencies include inadequate electrical wiring, an undersized cafeteria, a classroom in a tunnel, an off-campus gym, and dark and dim hallways. Because of its interior layout, the school is noisy and distracting for a number of students to the point that some of them wear noise reduction headphones.

Renovating and expanding Pierce would help to tackle overcrowding in North Brookline schools and would address the current inequity issue among the elementary schools. This approach also would be a green solution to classroom capacity shortages because it would not take up any significant amount of existing open space and would be walkable for a large number of families, thereby reducing car trips and traffic congestion. The petitioners believe that Pierce can be enlarged to accommodate an additional 390 students, or two more sections of each grade, but of course, whether such expansion could be accomplished is not known at this time. Appropriating funds to study these questions would be a first step toward obtaining answers.

Under STM 1, the Town would also continue both to do due diligence for the three options under Article 5 and to seek a feasible South Brookline site that could add capacity in that part of the community, so no time would be lost in pursuing the goal of identifying a solution to the challenge at hand. In addition to further investigating the potential of the Baker School site, other possibilities south of Route 9 could include a two-section school at Baldwin or buying or taking private land in South Brookline, preferably in or near the southeast corner of the Town in the Buttonwood/Putterham area, where sizable numbers

of students live. In addition, under the STM 1 scenario, if no South Brookline site proved to be feasible at this point in time, a North Brookline site could still be pursued, and if no North Brookline site proved to be feasible at this point in time, the Town would still have gathered important information for the future renovation of Pierce, presumably supported with funding from the MSBA.

At least one School Committee member has publicly stated that Pierce is too complex and costly a project to undertake now, and further investigating it at this point in time will slow down the process of identifying a ninth school site and building a school. Advisory Committee members acknowledge that there are many questions related to the Pierce project, including whether the costs would be too exorbitant to consider for a debt exclusion override ballot question; whether adequate expansion could take place on top of four underground garages; and whether re-locating Pierce students and High School students during the same time period would be possible. Nevertheless Advisory Committee members recognize the current inequity among Pierce and other K-8 schools, are impressed by the community's support of the project, and believe that the concept has sufficient merit to explore further. The assertion by some that "Pierce would not solve the current capacity problem" was viewed as lacking sufficient evidence.

Similarly, members of the Advisory Committee agreed that there should be further research as to the Baker School site's potential in being part of the solution for classroom capacity, especially since Baker was one of three "finalists" in last year's deliberations in selecting a site for a ninth school. Proponents for Baker's inclusion on the list for site evaluation studies emphasized that they were in no way suggesting that an additional 800-student school be built at Baker, as suggested by last year's feasibility study. Rather, their question was whether the Bake site could accommodate the projected student growth in just that school's part of Brookline, both in terms of new classrooms and right-sizing other spaces such as offices, the library/media center, gymnasium, cafeteria, and other dedicated spaces.

While a minority of Committee members favored eliminating PMC and/or the Baldwin School site from further consideration for a ninth school because of concerns that taking land from Pine Manor would cause an override to fail and that siting a school in this particular area raises significant open space and environmental concerns, the vast majority voted to keep the two properties in contention.

There was also a suggestion that if there continues to be significant enrollment growth, the METCO and Materials Fee programs could be suspended (while retaining currently enrolled students) and/or class size be slightly increased until such time as capacity can be successfully addressed. The School Committee/METCO policies for these programs call for enrolling nonresident students on a space-available basis and there is currently no space available. School Committee guidelines for class size recommend 21–23 students in kindergarten through third grade. It was noted that as of October 6, 2017, in the 122 sections of grades K–3, 80 had fewer than 22 students. School Committee guidelines also recommend up to 25 students in grades four through eight. As of October 6, 2017, 108 of the 146 sections of those grades had fewer than 22 students.

There was also considerable discussion as to whether any existing school site should be specified in the vote, with a couple of Committee members asserting that the sites that should be examined, would be, and that no suggestions from Town Meeting were necessary because all potential sites would be examined without that direction. In response, it was stated that the only guaranteed way to have the Baker and Pierce sites evaluated for their potential to address student enrollment was to include them in the vote of Town Meeting. Without that, there would be no obligation—other than a political one—to proceed with such analyses. It was also stated that specificity was important since it identified the places on which further study should focus. The phrase "but not limited to" addressed any concern that the Committee was trying to limit or control options.

Advisory Committee members firmly believe that the Board of Selectmen and School Committee should make available to Town Meeting members, either in writing or on the floor of Town Meeting, more detailed information on how sites for evaluation services would be selected; what, besides legal analysis, those services would entail; and what the anticipated timeline would be for the process leading up to the decision of going forward with a single-site or multi-site solution. There was also consensus that the Override Study Committee (OSC) should be apprised and consulted, either as a group or via the two OSC chairs, Select Board members Franco and Hamilton, as to the cost projections of the "finalists" in the selection process.

The Advisory Committee initially recommended Favorable Action on the following motion:

VOTED: That the Town re-appropriate the following amounts out of funds previously appropriated under Section 13, Special Appropriation No. 67 of Article 9 of the 2017 Annual Town Meeting, to be expended under the direction of the Building Commission, with any necessary contracts greater than $100,000 to be approved by the Board of Selectmen and the School Committee, as follows: (1) $300,000 for the purpose of further site evaluation services, including legal services, at the Baldwin/Pine Manor sites and site evaluation services, including legal services, at alternate sites, which shall include but not be limited to the Pierce School and adjacent properties, and the Baker School; (2) an additional $400,000, for further feasibility study on a single-site solution; and (3) a further additional $300,000 (or a total of $700,000 for feasibility studies), for further feasibility study on a multi-site solution should a multi-site solution be chosen. The evaluation and determination of a single- site or a multi-site solution prior to the expenditure of funds for feasibility studies referred to in (2) and (3) above shall include the options of constructing a new school and of demolishing, renovating, and expanding existing schools, with the determination of a single-site or multi-site solution made by the Board of Selectmen and School Committee with the advice of the Ad Hoc Subcommittee of the Advisory Committee, after evaluation information has been received by the Board of Selectmen, School Committee and Ad Hoc Subcommittee and publicly presented for discussion to the extent advised by Town Counsel.

After further review of the language of the motion, it was determined that minor revisions should be made in order to ensure that the appropriated funds could be spent in accordance with the intent of the motion. The motion below includes the necessary revisions to the previous motion. Deletions are shown in ~~strikethrough~~; addition in **bold**.

RECOMMENDATION:

By a vote of 23–1–0 the Advisory Committee recommends FAVORABLE ACTION on the following motion:

VOTED: That the Town re-appropriate ~~the following amounts out of~~ **up to $1 million in** funds previously appropriated under Section 13, Special Appropriation No. 67 of Article 9 of the 2017 Annual Town Meeting, to be expended under the direction of the Building Commission, with any necessary contracts greater than $100,000 to be approved by the Board of Selectmen and the School Committee, as follows: (1) $300,000 for the purpose of further site evaluation services, including legal services, at the Baldwin/Pine Manor sites and site evaluation services, including legal services, at alternate sites, which shall include but not be limited to the Pierce School and adjacent properties, and the Baker School; (2) an additional $400,000, for further feasibility study ~~on a single site solution~~; and (3) a further additional $300,000 (or a total of $700,000 for feasibility studies), for further feasibility study on a multi-site solution should a multi-site solution be chosen. The evaluation and determination of a single- site or a multi-site solution prior to the expenditure of funds for feasibility studies referred to in (2) and (3) above shall include the options of constructing a new school and of demolishing, renovating, and expanding existing schools, with the determination of a single-site or multi-site solution made by the Board of Selectmen and School Committee with the advice of the Ad Hoc Subcommittee of the Advisory Committee, after evaluation information has been received by the Board of Selectmen, School Committee and Ad Hoc Subcommittee and publicly presented for discussion to the extent advised by Town Counsel.

ARTICLE 1

FIRST ARTICLE
Submitted by: Mariah Nobrega, Dan Saltzman, Lauren Bernard

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

PETITIONER'S ARTICLE DESCRIPTION

On September 19, 2017, the Brookline Board of Selectmen and School Committee voted to expand the sites under consideration for a new 9th elementary school to include a portion of the Pine Manor College campus, which would be taken through the process of eminent domain. This site has the potential to be an "A+" school; however, the Pine Manor College community has been adamantly opposed to this idea, stating concerns about impact on student experience and recruitment. Many in the Brookline community are also opposed to this site, because of concerns about eminent domain in general, to eminent domain of this property in particular, and concerns that are similar to those of the nearby Baldwin site (limited walkability and the resulting increased carbon footprint from driving to school, increased traffic from driving, reduced open space from building on undeveloped land, among others). The potential of these issues, either alone or in combination, to make the site either unfeasible or ultimately unpopular with the voters is currently unknown.

Within this context of uncertainty, this warrant article would authorize funding for the feasibility and design study for an expansion of the Pierce School, located in Brookline Village, which is the epicenter of school capacity need. The proposed study could be undertaken in parallel with any other study or studies, e.g. the study to be voted on under Warrant Article 5. The key benefits of this approach are three-fold:

1. A "two-site solution" that involves Pierce and a South Brookline location would add capacity where it is most needed in both North and South Brookline, while still

respecting other core values of Brookline, i.e. walkable schools, respect for open space and the environment

2. If for some reason the first choice of the BoS/SC does not pass feasibility/design or otherwise falls through, the Pierce feasibility and design will mean that we are not back at square one.
3. Pierce is badly in need of complete renovation or replacement and was next on the list of school improvement projects anyway. Even if the ultimate decision is not to address the school capacity through an expansion at Pierce, the study will provide important information on the first step of what is possible on the site for its renovation a few years later.

The proposed article is a slightly modified version of Article 5 in the November 2017 Special Town Meeting. The key difference is that Article 5 seeks solely to authorize funding for a feasibility and design study for a 9th school; it does not address expansion/replacement/reconstruction of a school, it only suggests the building of a new school in a new location. The differences between Article 5 and the proposed article are below - original wording from Article 5 is ~~struck out~~ and the new language is <u>underlined</u>.)

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

<u>Questions you may have</u>

What is the concept that you are proposing?

The basic idea is a Pierce "expand-in-place" that would add 1.5-2 sections (300-400 students) to the Pierce population. Currently there are 870 students in Pierce, a school built for a maximum of 580 students (just ⅔ of its current student body). About 100 of those students will go to Devotion when that project is complete. This proposal would add 300+ kids, so the new Pierce would be around 1100 students, roughly the same student body as the new Devo. This would allow for a smaller 1.5-2-section project in South Brookline for a total of 3-4 sections of additional capacity, which is as much as (or more than) what is being proposed for the 9th school.

Why wasn't this considered previously?

Two issues: (1) There was nowhere to put Pierce students and (2) the site was considered to be challenging during the B-SPACE process and therefore discarded for an expansion

option. With regard to (1), Devo has proven that the OLS/Webster St combo for upper/lower school would work to house Pierce and could be deployed during the renovation, and with the expected purchase of the 111 Cypress for needed expansion at the high school, the need for Old Lincoln to house BHS overflow is no longer so acute and may be managed in other ways. With regard to (2), the site is complex but five years have study have shown us that there are no easy answers to this problem. The town officials we have spoken to have said that this has not been studied and may in fact be feasible.

Is the Pierce community in favor of this idea?
Within the Pierce community, the sentiment is overwhelmingly positive; many Pierce parents were among the hundreds who signed the petition in support of this article.

Is this instead of a school in South Brookline?
No. This still means that South Brookline should get needed relief; the idea is just to have a two-site solution. But it would give some **flexibility to South Brookline in terms of siting** because of the smaller number of sections required.

Is this a greener alternative to building a single larger school in South Brookline?
Yes, it offers the possibility of redeveloping already built land in North Brookline, minimizing any development in South Brookline, maintaining walkability, and reducing emissions from transportation that would have occurred to bring North Brookline students to and from North Brookline.

Are the proposers of this article supporting any specific South Brookline solutions?
We think Pierce is crucial to solving Brookline's schools capacity problem. But it is not a complete solution. South Brookline must be included in a comprehensive solution. The supporters of this article have varying opinions as to what might be possible in South Brookline, but ultimately the South Brookline residents know what is best for their community.

How much is this going to cost?
Rough cost estimates would be part of the study. So far estimates we have heard are $100M for a one-site 9th school at Pine Manor, and $200M for this idea, divided into $50M for a school at Baldwin or PMC and $150-200M for this idea. However, a renovation at Pierce has long been in the cards and will cost roughly $120M or more a few years later, so this solution may ultimately save money compared to building at PMC now and then addressing Pierce next.

Won't this make Pierce too big?
Pierce is already too big. Pierce houses 870 kids in a dilapidated building originally built for 580 students. And the population is only growing. A study will help us understand if the proposed number of students can be accommodated through a better use of the site, with appropriately-sized facilities (buildings and outdoor space).

What's wrong with Pierce?
The building is completely inadequate for the current population of students. Students have gym class in the auditorium due to space issues; this year, middle schoolers have gym at the Brookline Teen Center a few blocks away because there is no more capacity within the gym and auditorium. This is in addition to the rental space at 62 Harvard Street, the top floor of which is also being used for 7th and 8th grade classrooms. Lunch begins at 10:15 to accommodate the 5 different lunch seatings required for all students. The underground tunnel between the main building and the historical building has by necessity been converted into a classroom; on rainy days, hundreds of students interrupt class activities as they walk through. The building has numerous issues with HVAC; classrooms are routinely very cold in the winter and reach 90+ degrees in June and September. Bathrooms all around the school are severely outdated, cramped, and the toilets leak water onto the floor. Noise levels around the school, particularly in the multi-level open library/classroom space, mean that students are easily distracted by ambient noise. MCAS testing requires that the multiple grades of students in that space remain quiet for days at a time, reading at their desks instead of actively learning, when just one grade is actually being tested.

SELECTMEN'S RECOMMENDATION

A report and recommendation by the Board of Selectmen under Article 1 will be provided in the Supplemental Mailing.

ADVISORY COMMITTEE'S RECOMMENDATION

A report and recommendation by the Advisory Committee under Article 1 will be provided in the Supplemental Mailing.

XXX

BOARD OF SELECTMEN

Neil A. Wishinsky, Chair
Benjamin J. Franco
Nancy S. Heller
Bernard W. Greene
Heather A. Hamilton

ADVISORY COMMITTEE

Sean Lynn-Jones, Chair