



WARRANT  
THE COMMONWEALTH OF MASSACHUSETTS  
TOWN OF BROOKLINE  
SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet by means of the Zoom video conferencing platform and telephone conferencing system described more particularly below on November 16, 2021 at 7:00 o'clock in the evening, at which time and place the following articles are to be acted upon and determined exclusively by the representative Town Meeting.

Pursuant to Chapter 92 of the Acts of 2020, the Town Meeting shall be held remotely by the means requested in the accompanying letter from the Moderator dated June 24, 2021 as follows: The Moderator, Town Meeting Members, Town officials and registered voters residing in the town who have arranged with the Town Clerk to participate in the Meeting may access and witness the deliberations and actions taken at the Meeting via the Zoom videoconferencing platform and/or telephone conferencing by following the instructions to be provided to them in advance by the Moderator, the Town Clerk or a designee. Registered voters residing in the Town who wish to participate in the Meeting must submit a request to the Town Clerk at [bkaufman@brooklinema.gov](mailto:bkaufman@brooklinema.gov) not later than 7:00 PM on November 15, 2021. All other interested members of the public who wish to witness the deliberations and actions taken at the Meeting may do so via the live video streaming service provided by Brookline Interactive Group at [brooklineinteractive.org/live](http://brooklineinteractive.org/live) or on RCN Channel 15 or Comcast Channel 23”;

**ARTICLE 1**

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.

**ARTICLE 2**

Submitted by: Human Resources

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

**ARTICLE 3**

Submitted by: Select Board

To see if the Town will vote to authorize the Select Board to petition the General Court for special legislation, as set forth below, relating to the exempting of employees in the Police Department from the Civil Service Law; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approve amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition;

**AN ACT EXEMPTING CERTAIN EMPLOYEES OF THE POLICE DEPARTMENT IN THE TOWN OF BROOKLINE FROM THE CIVIL SERVICE LAW.**

*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.** Notwithstanding the provisions of any general or special law to the contrary, all positions in the police department of the town of Brookline shall be exempt from the provisions of chapter 31 of the General Laws.

**SECTION 2.** Section 1 shall not impair the civil service status of any person employed by the police department of the town of Brookline on the effective date of this act.

**SECTION 3.** This act shall take effect upon its passage.

or take any action relative thereto.

**ARTICLE 4**

Submitted by: Select Board

To see if the Town will authorize the Select Board to petition the Legislature to amend Section 5 of Chapter 270 of the Acts of 1985 entitled “An Act Establishing the Position of Town Administrator in the Town of Brookline”, as it may have been further amended, for the purpose of authorizing the Town to further delegate by General By-Law any and all licensing authority of the Select Board; provided, that the Legislature may reasonably vary the form and substance of the requested legislation within the scope of the general public objectives of this petition.

AN ACT AMENDING SECTION 5 OF CHAPTER 270 OF THE ACTS OF 1985, AS AMENDED, TO AUTHORIZE DELEGATION BY GENERAL BY-LAW OF ALL SELECT BOARD LICENSING AUTHORITY

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. Notwithstanding Chapter 138, Chapter 140, or Chapter 148 of the Massachusetts General Laws, or any other general or special law to the contrary, the Section 5 of Chapter 270 of the Acts of 1985 is hereby amended by striking the following text: “, except the licensing of innholders, lodging houses, common victuallers, food vendors, secondhand motor vehicles, open air parking, liquor sales and theaters and entertainment.”

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

or act on anything relative thereto.

**ARTICLE 5**

Submitted by: Commissioner of Public Works

To see if the Town will authorize and empower the Select Board to grant an access easement to 62 Harvard Street LLC, a limited liability company duly organized and existing under the laws of the Commonwealth of Massachusetts, and the owner of 60-64 Harvard Street, Brookline, Massachusetts (Assessor’s Parcel ID # 172-05-10) or one of its successors or assigns, for One Dollar (\$1.00); and other good and valuable consideration upon terms and conditions that are in the best interest of the town; said grant of easement is for the relocation of the prior access to the 60-64 Harvard Street lot; said access easement to be located over a portion of land now known as Pierce Street and a portion of land at the Public Health Department lot at 11 Pierce Street, Brookline, Massachusetts (Assessor’s Parcel ID # 172-09-00) comprising approximately 6,697 +/- square feet as substantially shown on the plan submitted herewith entitled “Proposed Access Easement Sketch for 60-64 Harvard Street, Brookline, Mass.” prepared by Feldman Land Surveyors dated 09/01/21, as may be amended, said plan on file with the Town Clerk. Said Plan and Easement Agreement to be recorded at the Norfolk County Registry of Deeds upon acceptance by the Select Board.

Or act on anything relative thereto.

**ARTICLE 6**

Submitted by: Commissioner of Public Works, ADA Coordinator

To see if the Town will amend the General By-Laws, Part VII, Streets and Ways, Article 7.5, General Prohibitions, Section 7.5.11, Obstructions, as follows (additions are underlined and deletions appear in stricken text):

**ARTICLE 7.5  
GENERAL PROHIBITIONS**

**SECTION 7.5.11 OBSTRUCTIONS**

- (a) No person shall place or cause to be placed in any street or upon any sidewalk of the town, any **object, material, lumber, coal, iron, trunk, bale, box, crate, cask, package, article,** or anything whatsoever so as to obstruct a free passage for travelers, nor **shall any Property Owner or Property Manager allow vegetation from any property under their control to obstruct free passage on the sidewalks or ways contiguous to such property.** ~~allow any of the same to remain more than one hour after being notified~~ **Upon notification** by a police officer **an authorized agent of the Town** to remove it, **said obstruction must be removed.** ~~it, except that n~~ Nothing herein contained shall be construed to prevent the use of streets and sidewalks for ~~building~~ **construction or temporary storage** purposes upon obtaining a permit from the **Town** Select Board. **For purposes of this Section, "Property Owner" shall mean the legal owner of record of real property as listed by the tax assessor's records and "Property Manager" shall mean any tenant in possession or person or entity in control of real property, including, but not limited to, a condominium association.**
- (b) **The Commissioner of Public Works shall have the authority to promulgate regulations to implement the provisions of this By-Law, subject to the approval of the Select Board.**
- (c) **Compliance period: Any roadway or sidewalk obstruction shall be removed within one hour after notification to remove it except that a vegetative sidewalk obstruction shall be removed within the period established by regulation or within 21 days, whichever is shorter.**
- (d) **Violations of this By-Law and its regulations shall be subject to the following penalties in accordance with Article 10.1., in addition to applicable court costs for any enforcement actions taken.**

**Failure to remove a vegetative sidewalk obstruction within the compliance period following the initial notification shall constitute a First Offense. An obstruction remaining after this initial compliance period shall cause a second notification to be issued, which shall begin a second compliance period; failure to remove the obstruction within this second compliance period shall constitute a Second Offense, and similarly for subsequent notifications, compliance periods, and penalties. Penalties are cumulative.**

|                                       |                        |
|---------------------------------------|------------------------|
| <b><u>First Offense</u></b>           | <b><u>\$100.00</u></b> |
| <b><u>Second Offense</u></b>          | <b><u>\$200.00</u></b> |
| <b><u>Each Subsequent Offense</u></b> | <b><u>\$300.00</u></b> |

**For all other roadway or sidewalk obstructions, failure to remove an obstruction within the compliance period after notification shall constitute**

**a First Offense. Repeated obstructions and repeated failures to comply shall be deemed Second and Subsequent Offenses.**

|                                       |                        |
|---------------------------------------|------------------------|
| <b><u>First Offense</u></b>           | <b><u>\$25.00</u></b>  |
| <b><u>Second Offense</u></b>          | <b><u>\$50.00</u></b>  |
| <b><u>Each Subsequent Offense</u></b> | <b><u>\$100.00</u></b> |

Or act on anything relative thereto.

**ARTICLE 7**

**Submitted by:** Select Board

To see if the Town will amend Section 8.37.3 of Article 8.37 of the Town’s General By-Laws, “CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR MARIJUANA RETAILERS”, as follows (additions are in bold, underlined text, and deletions are in bold, stricken text):

Section 8.37.3                    CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR MARIJUANA RETAILERS

The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction: a) Storefront Marijuana Retailers, b) Marijuana Delivery Operators, c) Social Consumption Marijuana Retailers, and d) Marijuana Couriers. **The Select Board may increase the foregoing limitation in (a) by two (2) as to Storefront Marijuana Retailers in the event it is granting the additional license(s) to an Equity Applicant as defined in a Select Board policy or regulation then in effect.**

or act on anything relative thereto.

**ARTICLE 8**

**Submitted by:** Susan Park TMM2, Alok Somani, Regina Frawley TMM16, Bruce Levin, Cher Duffield TMM6, Ana Albuquerque TMM1, Faith Michaels TMM5

To see if the Town will amend Article 8.37, Section 8.37.4 of the Town's General Bylaws as follows: (deletion appearing in ~~strikeout~~, addition in bold underline):

Section 8.37.4 CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR MARIJUANA RETAILERS

The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of

the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded ~~up~~ **down** to the nearest whole number in the event the number is a fraction: a) Storefront Marijuana Retailers, b) Marijuana Delivery Operators Delivery-Only Marijuana Retailers; and c) Social Consumption Marijuana Retailers, and d) Marijuana Couriers.

This bylaw, as amended, shall take effect only upon an affirmative vote by the voters of a ballot question as provided in G.L. c. 94G, s. 3(e);

or act on anything relative thereto.

## **ARTICLE 9**

Submitted by: Alok Somani, Susan Park TMM2

To see if the Town will resolve to create a Study Committee, with membership that represents a diversity of views, to carefully consider and articulate policy goals and define actions designed to achieve those goals with respect to the recreational marijuana industry.

The lawful recreational marijuana industry is new and has the potential to cause disproportionate damage to our underaged and marginalized population. And, according to the CDC, the health consequences of long-term use are not yet known with certainty.

WHEREAS in 2016 the State of Massachusetts legalized recreational marijuana and in 2017 established the Cannabis Control Commission to implement and administer the laws enabling access to adult use marijuana.

WHEREAS Although 935 CMR 500.000 establishes ten license classes, the Cannabis Control Commission is implementing the law in stages by allowing new license types as regulations are promulgated. For example, the Cannabis Control Commission allowed licensing of retail establishments in 2018, then allowed licensing of delivery only in 2020 and then allowed licensing of another type of marijuana delivery in 2021.

WHEREAS Brookline recently amended its bylaws to accommodate the release of marijuana delivery licensing, for example Warrant Article 20 as submitted by the Planning Department and approved in the prior Town Meeting, but in that process, did not also consider amendments to address the license types that the Cannabis Control Commission plans to release as it continues to implement the law.

WHEREAS While marijuana is legal in Massachusetts for people ages 21 years and older, marijuana use by children and teenagers is prohibited by law.

WHEREAS It is important to our community that we all stay healthy and safe. One way to do this is to work to prevent underage drug use, including marijuana. This is especially important for teenagers since marijuana causes disproportionate harm to the developing brain.

WHEREAS the [Cannabis Control Commission's](#) website contains the following warning with respect the health effects of marijuana use by those who are underaged:

“Cannabis may impair your decision-making, negatively affect your mental health, and – if smoked – increase your blood pressure and hurt your lungs. For young people, it is especially important to note cannabis’ impact on brain development: your brain is not fully developed until you reach your mid-20s, and regular cannabis use during adolescence and early adulthood can lead to brain changes that negatively affect memory, learning, and attention. If you start using marijuana when you are young, you may increase your chances of becoming dependent on it. All of these factors may make it harder for you to earn good grades and achieve your goals.”

WHEREAS the Town of Brookline’s [website](#) contains a link to the [CDC - Marijuana and Public Health](#) website that provides the following information about the addiction risk associated with the use of marijuana:

“About 1 in 10 marijuana users will become addicted. For people who begin using before the age of 18, that number rises to 1 in 6. “ ... “Researchers do not yet know the full extent of the consequences when the body and brain (especially the developing brain) are exposed to high concentrations of THC or how recent increases in potency affect the risk of someone becoming addicted. “

WHEREAS as a Country, State and Town, in addition to taxing and regulating use, we regulate other aspects of the tobacco industry such as advertising, use of flavors and other attributes with the policy goal to reduce the attractiveness of products to those who are underaged.

WHEREAS there has been an increase in advertising of recreational marijuana in town, for example a kiosk on Harvard Street, cannabis delivery sign by Lantern at Carlton St. and Beacon, near the border with Allston, etc. The very prominent advertising has the potential to adversely influence our underaged population.



WHEREAS the headline “First-ever Cannabis Cup Sparks Lines At Local Dispensaries” appeared in the Brookline Patch on Friday August 27, 2021. The news report states that between August 21 and October 17 there is a people’s choice competition to identify and award the best cannabis products across 11 categories by dispersing judging kits to local consumers. The categories include: 1. Indica Flower 2. Hybrid Flower 3. Sativa Flower 4. Sungrown Flower 5. Pre-Rolls (Infused and Non-Infused) 6. Solvent Concentrates 7. Non-Solvent Concentrates 8. Vape Pens and Cartridges 9. Edibles 10. Ingestibles 11. Topicals.

NETA is participating by supplying these kits for purchase. What if this very same people's choice competition had been for tobacco products and not marijuana products? WHEREAS Brookline has a **Commission for Diversity Inclusion & Community Relations** that provides oversight regarding program and services that serve Brookline's Youth.

WHEREAS Brookline has an **Advisory Council on Public Health** the mission of which is to preserve, protect & promote the physical, mental, and environmental health of the Brookline Community.

NOW THEREFORE, be it resolved, that Town Meeting directs that the Moderator, or designate, oversees, within sixty (60) days following the Town Meeting vote, the creation of a Study committee comprised of seven voting members. The seven members will be comprised of three members nominated by the Moderator, one member nominated by the Select Board, one member nominated by the Brookline Department of Health and Human Service, one member nominated by the Director of the Office of Diversity, Inclusion and Community Relations and one member nominated by the Advisory Council on Public Health. The committee shall be directed to:

- consider and recommend policy goals related to recreational marijuana sales, delivery and consumption that balance community priorities that include but are not limited to maintaining reasonable adult access, tax revenue, community health, protection of our underaged population, etc.;
- consider the Cannabis Control Commission's implementation plan and timeline to allow new license types and recommend what actions should be taken so that the Town can consider and act in a timely fashion;
- consider current federal, state and local tobacco law and regulations and recommend whether any restrictions that apply to tobacco should also be considered for recreational marijuana;
- consider and recommend restrictions to advertising with the policy goal of reducing risk to those who are underaged;
- consider and recommend a data acquisition and analysis framework to baseline and understand the health impacts of recreational marijuana use in Brookline;
- consider and recommend a policy position with respect to M.G.L. c. 94G, §3(b) which provides local control over the question of allowing social consumption on the premises where sold;
- notify and consult with interested parties to ensure a diversity of views are considered, including adults who access recreational marijuana, parents, high school students, and college students because the majority of these students are considered underage with respect to the lawful recreational marijuana industry.

and recommend to Town Meeting any amendments to the by-laws the committee believes are necessary to implement the proposed policy goals. The committee shall be further instructed to complete their report with recommendations in the form of a warrant article to be submitted for consideration at the next Town Meeting.

Or act on anything relative thereto.

**ARTICLE 10**

Submitted by: Select Board

To see if the Town will authorize and empower the Select Board to file a petition with the General Court for special legislation as set forth below:

**AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO HOLD HYBRID TOWN MEETINGS.**

*Provided that the General Court may reasonably vary the form and substance of this requested legislation within the scope of the general public objectives of this petition, 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. Notwithstanding any general or special law, charter provision, ordinance or by-law to the contrary, the Town of Brookline may hold town meetings at which participants attend both in person and remotely (hereinafter sometimes called a “hybrid meeting”), subject to the following:

- (a) The determination of whether a town meeting shall be a hybrid meeting shall be made by the Select Board at the time that it approves the warrant for such meeting, and the warrant shall contain such provisions as shall be deemed by the moderator and Town Counsel to be necessary in order properly to notify participants in such meeting of the requirements set forth in this section.
- (b) Except as otherwise set forth in this section, town meeting members and other participants in a hybrid meeting may elect to attend such meeting either in person, at the location designated in the warrant for such meeting, or remotely by means of a video conferencing platform.
- (c) All town meeting members attending a hybrid meeting, whether in person or remotely, shall be counted for purposes of determining the presence of a quorum at the meeting.
- (d) The moderator, the Town Clerk and all members of the Town’s information technology staff and other persons required to operate the voting and other technical systems necessary for the proper function of a hybrid meeting in accordance with this section shall attend each session of a hybrid meeting in person. All other participants in a hybrid meeting, including town meeting members and other residents and non-residents of the Town, may attend each session of a hybrid meeting either in person or remotely. In order to attend a session of a hybrid meeting remotely, a participant shall be required to provide written or electronic notice of such participation to the moderator and Town Clerk, which notice shall be required to be received no later than 48 hours before such session. Such notices may cover such person’s remote attendance at one or more sessions of a hybrid meeting. Such notice requirement may in general or in specific instances be waived for Town officials and other Town employees by the moderator, by written notice to the Town Clerk and Office of the Select Board.
- (e) The video conferencing platform shall afford all remote participants in a hybrid meeting the ability to identify and hear the moderator and each town meeting member who attends the meeting, as well as any other persons who participate in the meeting. All remote participants in a hybrid meeting shall have substantially the same access as in-person participants to the content of handouts, presentations and other material distributed or displayed, prior to or during the meeting, to in-person participants in the meeting.

- (f) All participants in a hybrid meeting, whether attending in person or remotely, shall have a substantially equal opportunity to request recognition by the moderator, make a motion or raise a point of order or question of privilege.
- (g) All town meeting members participating in a hybrid meeting, whether attending in person or remotely, shall have the opportunity to vote on all matters put to a vote of town meeting members; such votes shall to the extent feasible be taken substantially contemporaneously; and such votes shall in the case of recorded votes be published as soon as practicable subject to the abilities of the respective voting systems used for in-person and remote votes. All votes at a hybrid meeting shall be taken by such means and in such a manner as shall be determined by the moderator to record accurately and securely the votes of those entitled to vote at the meeting.
- (h) Town meeting members who do not have access to the video or other conferencing system used for remote participants in a hybrid meeting may participate in the meeting via telephone conference call. The requirements of sub-sections (e) and (f) of this section shall to the extent that they cannot be complied with through telephone conferencing not apply to such town meeting members. No persons other than town meeting members shall be permitted to participate in a hybrid meeting via telephone conference call.

SECTION 2. All actions taken during a hybrid meeting held pursuant to section 1 are hereby ratified, validated and confirmed to the same extent as if the hybrid meeting had been conducted entirely in person, and such actions shall be deemed to comply in all respect with all other applicable laws, charter provisions, ordinances and by-laws.

SECTION 3. This act shall take effect upon its passage.

or act on anything relative thereto

**ARTICLE 11**

Submitted by: Bonnie Bastien (TMM 5), Mike Toffel (TMM 8). Elizabeth Schafer (TMM 10), Marissa Vogt (TMM 4), Jeffrey Benson (TMM 3), and Anne Weaver (TMM 11)

To see if the Town will authorize and empower the Select Board to file a petition with the General Court for special legislation as set forth below:

**AN ACT EXEMPTING THE TOWN OF BROOKLINE FROM IN-PERSON QUORUMS.**

*Provided that, the General Court may reasonably vary the form and substance of this requested legislation which shall be within the scope of the general public objectives of this petition, 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. The town of Brookline shall be exempt from the provision of chapter 30, section 20(d), that requires that a quorum of the body, including the chair be present at an in-person meeting location (specifically, from "and provided further, that a quorum of the body, including the chair, are present at the meeting location").

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

Or act on anything relative thereto

**ARTICLE 12**

Submitted by: Bonnie Bastien (TMM 5), Michael Toffel (TMM 8), Elizabeth Schafer (TMM I 0), Marissa Vogt (TMM 4), Jeffrey Benson (TMM 3), and Anne Weaver (TMM 11)

To see if the Town will adopt the following Resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meet Law (OML) requirement that quorum must be in-person resulted in never-before-seen accessibility for civic participation via remote meeting access; and

WHEREAS, those COVID provisions are set to expire on April I, 2022; and

WHEREAS a reversal from this greater accessibility will dampen residents' ability to attend meetings and serve as members of public bodies; and

WHEREAS, the technology required for audio visual accessibility is becoming more common and less expensive; and

WHEREAS, audiovisual accessibility accommodation is something many in disability communities and organizations have been fighting for for years; and

WHEREAS, policies and decisions our public bodies make can have a large impact on the people who are most excluded from participating in those public bodies; and

WHEREAS, the ability to attend meetings remotely has eliminated critical access barriers to a "seat at the table" for the past 18 months; and

WHEREAS, we must not return to an inequitable past as we move forward after the pandemic.

NOW THEREFORE BE IT RESOLVED THAT:

1. Brookline Town Meeting calls on the Select Board to equip all municipal conference and hearing rooms with audiovisual equipment to enable all public bodies meeting under OML to provide audiovisual participation access for attendees and members by no later than November I, 2022; and
2. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.
3. The Town of Brookline should consider using non-traditional funding sources to fund the technology and training necessary to support public bodies meeting in a hybrid manner.

Or act on anything relative thereto.

**ARTICLE 13**

Submitted by: Mike Toffel, TMM 8

To see if the Town will amend the Town's General By-laws as follows (language to be stricken appearing in ~~strikeout~~, language to be added appearing in underline):

ARTICLE 2.1 TOWN MEETINGS

ARTICLE 2.1.15 TOWN MEETING COMMITTEES

Committees that are established pursuant to a vote of Town Meeting and are not considered by the Attorney General to be “Public Bodies” under the Open Meeting Law shall conduct their meetings in a manner that is consistent with the provisions and intent of the Open Meeting Law.

All committees that are established pursuant to a vote of Town Meeting shall record in the minutes of their meetings a roll-call showing the vote of each member for all votes, except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

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ARTICLE 2.3 COMMITTEE ON TOWN ORGANIZATION AND STRUCTURE

SECTION 2.3.4 VOTES

CTO&S shall record in the minutes of its meetings a roll-call showing the vote of each member for all votes except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

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ARTICLE 3. EXECUTIVE BRANCH GENERAL MATTERS

ARTICLE 3.0.1

All elected or appointed public bodies identified in this Article 3 that are subject to the Open Meeting Law shall record in the minutes of their meetings a roll-call showing the vote of each member for all votes except when approving minutes or, at the discretion of the Chair, when voting on other administrative matters.

or act on anything relative thereto.

**ARTICLE 14**

Submitted by: Jonathan Davis, Town Meeting Member, Precinct 10

To see if the Town will amend Article 3.12 of the Town’s General By-Laws (Department of Planning and Community Development) by amending Section 3.12.10 as follows (additions are underscored):

Section 3.12.10 ECONOMIC DEVELOPMENT ADVISORY BOARD

The Select Board shall appoint twelve residents to serve on the Economic Development Advisory board (EDAB) for three year staggered terms. The present members of EDAB shall continue to serve for the remaining terms of their appointments. EDAB shall review the economic development, redevelopment and renewal policies of the town, and all modifications and amendments thereto proposed by the Division, and shall make its recommendations and reports to the Director, the Town Administrator and the Select Board. EDAB may also initiate recommendations for amending or modifying the town’s development, redevelopment and renewal policies and may make recommendations for changes in the town’s economic development strategy. If an organization or group that is not an agency, department, commission, board, committee, instrumentality or otherwise part of the government of the Town or the government of the Commonwealth makes a recommendation (orally or in writing) to EDAB, and if the recommendation relates, in whole or in part, to a matter upon which EDAB will be taking a vote, each member of EDAB who will vote shall inform the chair or acting chair of the meeting if the EDAB member is also a member of or otherwise belongs to the organization or group, and EDAB’s minutes shall specify the vote of each EDAB member, specify which EDAB members are also members of or otherwise belong to the organization or group, and state whether a member’s vote was consistent or not consistent with the organization’s or group’s recommendation.

or act on anything relative thereto.

**ARTICLE 15**

Submitted by: Chi Chi Wu, Town Meeting Member Pct.7 (Corresponding petitioner); Raul Fernandez, Vice Chair, Select Board; Mariah Nobrega, Town Meeting Member Pct.4 and Member, School Committee; Brookline Asian American Family Network

To see if the Town will adopt the following as a new Article 3.XX of the Town By-laws:

Article 3.XX

Provision of Language Access Services

Section 3.XX.1. Definitions

“Limited English proficient” or “LEP” individuals: individuals who do not speak English as their primary language and have a limited ability to speak, read, write, or understand English.

“Oral interpretation”: the act of listening to something in one language (source language) and orally translating it into another (target language).

“Written translation”: the replacement of a written text from one language (source language) into an equivalent written text into another language (the target language).

“Auxiliary aids and services”: items, equipment or services that assist effective communication between a deaf or hard of hearing individual and an individual who is not deaf or hard of hearing.

“Language access services”: oral interpretation services, written translation services, and auxiliary aids and services.

“Department”: any department, commission, office, agency or other division of the Town of Brookline.

"Direct public contact": (1) services administered by a Town department directly to program beneficiaries and/or participants or (2) interactions in person, over the telephone, or electronically with members of the public.

### Section 3.XX.2. Language Access Plan

The Town of Brookline shall develop and implement a language access plan by which the Town will provide language access services to LEP residents and members of the public. The plan shall include detailed steps and specific actions that the Town will take to ensure language access, establish deadlines by which actions will be taken, identify responsible personnel assigned to implement the plan, and establish priorities relative to the implementation of these plans. The plan shall also include guidelines regarding which Town and departmental documents must be subject to written translation in specific languages.

The language access plan shall be developed simultaneously while undertaking an analysis of the following four factors: (1) the number or proportion of LEP persons served or encountered by each department, while recognizing that such numbers may be artificially depressed due to lack of language access; (2) the frequency with which LEP persons come into direct public contact with each department; (3) the nature and importance of the program, activity, or service provided by the department; and (4) the resources available and costs to each department, as well as the resources that the Town can make available to each department to serve LEP individuals. The plan shall designate those languages for which the Town must provide language access services, which shall be re-evaluated every 10 years.

### Section 3.XX.3. Language Access Coordinator

There shall be a Language Access Coordinator (hereinafter Coordinator), which shall be a full-time position within the Office of Diversity, Inclusion and Community Relations as established in Article 3.14.2 and report to the Director of that Office. The role of the Coordinator is to: (a) focus upon language access needs of LEP residents, the Town’s compliance with this Article, and ensuring the ability for full, meaningful participation by LEP residents in Town benefits, services, and activities; (b) along with the Americans

with Disabilities Act (ADA) Coordinator, develop and implement the language access plan described in Section 3.XX.1 on a Town-wide basis; and (c) along with the ADA Coordinator, oversee the implementation of the language access plan by individual departments and provide departments with technical assistance and consultation.

#### Section 3.XX.4. Department liaisons; budget for language access services

(a) Each department that engages in direct public contact shall designate a Language Access liaison. Such liaison shall be charged with implementation of the language access plan described in Section 3.XX.1 with respect to that department.

(b) Each department that engages in direct public contact shall have included in its budget an amount set aside for language services. Such amount shall be used to pay for translation of written materials; in person, telephonic, or online oral interpretation services; auxiliary aids and services, and such other expenses related to providing language access services.

(c) When hiring new staff members, each department that has direct public contact is encouraged to consider recruiting applicants who are proficient in a language other than English.

#### Section 3.XX.5. Town Employee Language Capacity

Within 180 days of the passage of this Article, the Director of Human Resources or the Director's designee shall conduct a survey of the language abilities of all Town employees. The

Director shall publish a directory of employees who indicate they are proficient in a language other than English and are willing to provide informal oral or ASL interpretation or written translation services voluntarily.

#### Section 3.XX.6. Recommendations on Language Access from the Disparity Study Report

The Town of Brookline shall make every effort to implement the recommendations regarding language access that will be included in the Disparity Study report to be issued by the Office of Diversity, Inclusion and Community Relations.

or act on anything relative thereto.

### **ARTICLE 16**

Submitted by: David Gacioch, TMM-13, Andy Fischer, TMM-13

To see if the Town will vote to appropriate, borrow or transfer from available funds, \$4,900,000, or any other sum, to be expended under the direction of the Building Commission, with any necessary contracts over \$100,000 to be approved by the Select Board and the School Committee, to provide a fossil-fuel-free Ground Source Heat Pump system for the new Driscoll School,

or act on anything relative thereto.

**ARTICLE 17**

Submitted by: Paul Hsieh and Douglas Plante

TO SEE IF THE TOWN WILL ADOPT THE FOLLOWING RESOLUTION:

WHEREAS, the Town of Brookline Department of Public Works (DPW) and Solid Waste Advisory Committee (SWAC) have initiated a Zero Waste planning process because of the critical role reducing waste and increasing recycling and composting has in responding to climate change and environmental damage,

WHEREAS, trash incineration generates large quantities of Greenhouse gases that contribute to global climate change and large quantities of toxic residue which impose an unfair burden to the communities that site the incinerators,

WHEREAS, composting is environmentally beneficial and results in soil-enriching compost that can be used by communities and farms,

WHEREAS, food waste and other compostable organic waste comprises 25-40% of Brookline's waste that is currently incinerated,

WHEREAS, Brookline currently requires composting of yard waste, and residential composting of all compostable waste has successfully been implemented in 10% of Brookline households and up to 40% of households in other Massachusetts communities,

THEREFORE, be it resolved that Town Meeting urges SWAC to research and propose a plan to expand the Town's mandatory recycling program to include all compostable organic waste and to identify any necessary changes to bylaws, rules, and regulations needed to start implementation,

Be it further resolved, that Town Meeting urges SWAC to submit a progress report at the May 2022 Town Meeting and the final report at the November, 2022 Town Meeting,

Be it further resolved that Town Meeting urges DPW to implement the program recommended by SWAC as soon as feasible,

Or act on anything relative thereto.

**ARTICLE 18**

Submitted by: Ira Krepchin, TMM15

To see if the Town will adopt the following resolution:

WHEREAS, in May of 2021 the Town of Brookline declared " a Climate Emergency, recognizing the truth about the climate crisis and what it demands of us: an emergency response at emergency speed;" and

WHEREAS, more than 10 billion tons of concrete are produced annually around the world, making it second only to water as the most commonly used substance on the planet; and the production of cement, a major component of concrete, accounts for an

estimated 9-10% of worldwide greenhouse gas emissions; put another way, for every ton of concrete produced, a ton of CO2 gases are emitted; and

WHEREAS, demand for concrete is projected to increase by more than 20% by 2050; and

WHEREAS, low-carbon concrete is available, and products are under development are beginning to enter the market, which enable concrete to remove CO2 gases from the air, which could make concrete a carbon sink rather than a source; and

WHEREAS, the market is nascent, we can help to build it through publicity and purchases; and

WHEREAS, the Town purchases tons of concrete per year for sidewalks, roads, and structures

NOW THEREFORE BE IT RESOLVED that the Town of Brookline use currently available low-carbon concrete products wherever feasible and encourage developers to do the same for any new construction. For this proposal, low-carbon products are defined as those that produce at least 10 percent less carbon dioxide emissions in their production and use than products made with conventional Portland cement. The town will also provide a low-carbon fact sheet to potential bidders.

BE IT FURTHER RESOLVED THAT the Town recycle old concrete wherever possible.

or act on anything relative thereto.

## **ARTICLE 19**

Submitted by: Jonathan Davis, Town Meeting Member, Precinct 10

To see if the Town will amend the Town General By-Laws by amending Article 8.29 (Nuisance Control) Sections 8.29.2, 8.29.3 and 8.29.4 as follows (deletions are marked with strike-throughs, additions are underscored):

### 8.29.1 Purpose

In order to protect the health, safety and welfare of the public, this bylaw shall permit the Town to impose liability on Property Owners and other responsible persons for the nuisances and harm caused by loud and unruly Gatherings on private property and shall prohibit the consumption of alcoholic beverages by underage persons at such Gatherings.

### Section 8.29.2 Definitions

*Eviction* means actively trying to evict a tenant from a premise by delivery of a notice to quit and subsequent court proceedings, if a tenant fails to vacate the Premises.

*Gathering* is a party or event, where two or more persons have assembled or are assembled for a social occasion or social activity (including but not limited to being present on a Premises as defined below in this Section 8.29.2).

*Premises* means any residence or other private property, place, or location, including any commercial or business property, and also means a location in or on a public way that any commercial or business enterprise has been authorized or permitted to use or occupy, whether temporarily or permanently, by a Board, Commission, Committee, Department or other instrumentality of the Town.

*Property Owner* means the legal owner of record of a Premises as listed by the tax assessor's records, and also means the commercial or business enterprise authorized or permitted to use or occupy a public way by any Board, Commission, Committee, Department, or other instrumentality of the Town.

*Public Nuisance* means a Gathering of persons on any Premises in a manner which constitutes a violation of law or creates a substantial disturbance of the quiet enjoyment of private or public property in a neighborhood. Behavior constituting a Public Nuisance includes, but is not limited to excessive noise and excessive pedestrian and vehicular traffic related thereto, obstruction of public ways by crowds or vehicles, illegal parking, public urination, the service of alcohol to underage persons, fights, disturbances of the peace, and littering.

*Response Costs* are the costs associated with responses by law enforcement, fire, and other emergency response providers to a ~~gathering~~ Gathering which has resulted in a Public Nuisance as set forth in a schedule of costs established by the Select Board.

### Section 8.29.3

### Mailing of Notice to Property Owner and Others

In the event police or other local officials have responded to a Gathering constituting a Public Nuisance, a notice of response shall be made within ten (10) days of the Gathering as follows:

- (a) **Property Owners:** The Chief of Police shall mail a notice of response by Certified Mail to the Property Owner of the Premises where the Gathering occurred as listed on the Town of Brookline property tax assessment records or as identified in the authorization, permit, license or lease to use or occupy a public way and shall advise the Property Owner that the second such response on the same Premises within a one year period, as measured from the date of the first notice, shall result in liability of the Property Owner for all penalties and Response Costs associated with such response as more particularly described in sections 8.29.4 and 8.29.4.1 below.
- (b) **Educational Institutions:** The Chief of Police shall send a notice of response to the president/~~head~~ headmaster or their designee of an educational institution if the persons who are liable in Section 8.29.4 and 8.29.4.1 are students at such educational institution. Such notice shall be sent by mail or other appropriate means.

- (c) **Persons Cited:** The Chief of Police shall send a notice of response to any person who was personally cited at the time of the offense. Such notice shall be sent by mail or other appropriate means to the address stated on the individuals' government issued identification.

Section 8.29.4

Liability for a First Response to a Gathering  
Constituting a Public Nuisance on a Premises

If the police department or other local officials have responded to a Gathering constituting a Public Nuisance on a Premises, the following persons shall be jointly and severally liable for fines as set forth below, provided that no previous Gathering constituting a Public Nuisance has occurred at the Premises within the previous one year period. Response Costs may also be assessed at the discretion of the Chief of Police. In lieu of issuing a fine(s) a police officer may issue a written warning if the response to the complaint occurs prior to 10:00 p.m.

- (a) The person or persons residing on or otherwise in control of the ~~premises~~ Premises where such Gathering took place whether present or not.
- (b) The person or persons who organized or sponsored such Gathering.
- (c) All persons attending such Gatherings who engage in any activity resulting in the Public Nuisance.

Section 8.29.4.1

Liability for a Second and Subsequent  
Response to a Gathering Constituting a Public Nuisance

If the police department is required to respond to a Gathering constituting a Public Nuisance on the Premises more than once in any one year period, as measured from the date of the first response, the following persons shall be jointly and severally liable for fines as set forth below. Response Costs may also be assessed.

- (a) The person or persons residing on or otherwise in control of the Premises where such Gathering took place whether present or not.
- (b) The person or persons who organized or sponsored such Gathering.
- (c) All persons attending such Gatherings who engage in any activity resulting in the Public Nuisance.
- (d) The person, persons or business entity which at the time of the Gathering owned the Premises where the Gathering constituting the Public Nuisance took place, provided that notice of the first and



Premises where at least one underage person consumes an alcoholic beverage, provided that the person having control of the Premises either knows an underage person has consumed an alcoholic beverage or reasonably should have known that an underage person consumed an alcoholic beverage and the person having control of said Premises failed to take all reasonable steps to prevent the consumption of an alcoholic beverage by an underage person.

- (d) This Section shall not apply to conduct involving the use of alcoholic beverages that occurs exclusively between an underage person and their parent or legal guardian as set forth in G.L. c.138, § 34.
- (e) This Section shall not apply to any Massachusetts Alcoholic Beverages Control Commission licensee at any Premises regulated by the Massachusetts Alcoholic Beverage Control Commission.

Section 8.29.7 Enforcement

This bylaw shall be enforced by the noncriminal disposition process of M.G.L. c.40 § 21D. For the purpose of noncriminal enforcement, the enforcing persons shall be any police officer of the Town of Brookline. If enforced pursuant to noncriminal disposition, the following fines shall apply per person cited under sections 8.29.4 and 8.29.4.1:

|                                    |       |
|------------------------------------|-------|
| First response:                    | \$100 |
| Second and subsequent response(s): | \$300 |

The Town of Brookline may additionally seek administrative costs and Response Costs associated with enforcement of this bylaw.

The provisions of this bylaw are enforceable without reference to the Brookline Noise Control Bylaw 8.15 and without reference to the fact that the police officer issuing a citation has not obtained a scientific noise measurement prior to issuing the citation. No such scientific noise measurement is required under this bylaw and the lack of a measurement shall not constitute a defense.

Sections 8.29.5 and 8.29.6 shall not limit the authority of police officers to make arrests for any criminal offense arising out of conduct regulated by Sections 8.29.5 and 8.29.6, nor shall they limit the Town of Brookline or the Commonwealth of Massachusetts' ability to initiate and prosecute any criminal offense arising out of the same circumstances necessitating the application of Sections 8.29.5 and 8.29.6.

Section 8.29.8 Local Authority and Severability

Nothing in this bylaw shall be construed to conflict with anything in MGL Chapter 138 in regard to underage drinking.

No provision of this bylaw shall apply where prohibited or preempted by state or federal law.

If any provision of this bylaw, or the application thereof to any person or circumstances, is declared invalid, that invalidity shall not affect other provisions or applications of this bylaw which can be given effect without the invalid provisions or application, to this end the provisions of this bylaw are severable.

Or act on anything relative thereto.

## **ARTICLE 20**

Submitted by: Preservation Commission

To see if the Town will amend Section 5.6.3 (i). of the Town's By-Laws, entitled Preservation Commission & Historic Districts By-Law by replacing it with the bold faced text:

### **(i) Olmsted-Richardson Thematic Local Historic District**

**There is hereby established an Historic District, to be entitled the "Olmsted-Richardson Thematic Historic District", the boundaries of which shall be as shown on the maps entitled "Olmsted-Richardson Thematic Historic District: Warren and Cottage Streets" and "Olmsted-Richardson Thematic Historic District: Walnut Hill Cemetery," copies of which are on file with the Town Clerk's office, which accompany and are hereby declared to be part of this By-law**

### **(j) Other Historic Districts**

**Other Historic Districts within the Town may be established from time to time in accordance with the procedures set forth in Chapter 40C of the Massachusetts General Laws, as amended from time to time.**

or act on anything relative thereto.

## **ARTICLE 21**

Submitted by: Planning and Community Development Department

To see if the Town will:

- 1) Amend Section 4.07, Use 6 of the Town of Brookline Zoning By-law as follows (deletions appearing in strikeout, new language in underline):

|  |                  |                 |             |
|--|------------------|-----------------|-------------|
|  | <b>Residence</b> | <b>Business</b> | <b>Ind.</b> |
|--|------------------|-----------------|-------------|

| Principal Uses   | S   | SC | T  | F  | M    | L    | G    | O  | I    |
|--|-----|----|----|----|------|------|------|----|------|
| <p>6. Multiple or attached dwelling of four or more units other than the preceding item divided into dwelling units each occupied by not more than one family but not including lodging house, hotel, dormitory, fraternity or sorority.<br/> *Compliance with § 4.08 required if containing <del>6</del> <u>four</u> or more dwelling units.<br/> Permitted by special permit in S-0.5P and S-0.75P Districts subject to § 5.06.<br/> In L and G districts, the ground floor of a building must have no more than 40% of its frontage along a street devoted to residential use, including associated parking or lobby use.<br/> Within the Waldo-Durgin Overlay District, the percentage of such frontage devoted to residential use may be increased by special permit in accordance with § 5.06.4.k.</p> | No* | No | No | No | Yes* | Yes* | Yes* | No | Yes* |

Or act on anything relative thereto.

**ARTICLE 22**

Submitted by: Petra Bignami (TMM P12)\*, Janice S. Kahn (TMM P15)\*, Alexandra Metral (TMM P1) and Sharon Schoffman (TMM P14)

\*indicates primary petitioners

To see if the Town will add a new Section 4.14: Firearm Business Uses to the Town of Brookline Zoning By-Laws, add to Sec. 4.07, Table of Use Regulations a new Principal Use under Retail and Consumer Service Uses, #29A, subject to the regulations in Sec. 4.14 Firearm Uses; and amend Article II, Section 2.00, Definitions, of the Brookline Zoning By-Laws

ART. IV, USE REGULATIONS

**Add a new section to Art. IV, as follows:**

**Section 4.14 FIREARM BUSINESS USES**

- A. **Purpose.** To establish criteria for the establishment of Firearm Business Uses in the Town to address public safety concerns arising from the operations of such businesses and the potential disruption of peace and quiet enjoyment of the community. This Section 4.14 provides for separation between Firearm Business Uses and certain uses enumerated herein to maximize protection of public health, safety, and welfare in conjunction with the protections from G.L. c. 140, §122-131Y and other State laws and regulations. To the extent this section or any related section can be read to potentially conflict with G.L. c. 140 or other State laws or regulations, the section shall be interpreted to minimize any conflict with State laws or regulations while maximizing the furtherance of the public safety and other public purposes underlying this Section.
  
- B. **Definitions.**  

**See Section 2, Definitions, of the Zoning By-Law for definitions of applicable terms.**
  
- C. **Firearm Business Uses not allowed as-of-right.** Firearm Business Uses are not included within the definitions of retail sales or services, manufacturing, or any other lawful business permitted as of right or by special permit contained in other Sections of this Zoning By-Law.
  
- D. **Firearm Business Uses allowed by special permit.** Use of land, buildings or structures for a Firearm Business Use shall be allowed only by special permit in the districts specified in Section. 4.07, Table of Use Regulations, subject to the requirements and criteria of this Section. 4.14.
  
- E. **Location requirements.**
  - 1. All distances in this Section shall be measured in a straight line from the property line of the lot containing the proposed Firearm Business Use to the nearest property line of any of the designated uses set forth herein:
    - a. Firearm Business Uses shall not be located within a radius of 150 feet from any property containing a residential use.
  
    - b. Firearm Business Uses shall not be located within 1,000 feet of any private or public K-12 school.
  
    - c. Firearm Business Uses shall not be located within 500 feet of any daycare center, preschool, child-care facility, or an existing Firearm Business Use at another location, whether such firearm business use is located within or without the Town's boundaries.

2. No Firearm Business Use shall be located within a building containing a dwelling unit.

**F. Operational requirements.**

1. Firearm Business Uses shall obtain and maintain all necessary Federal, State and other required local approvals and licenses prior to beginning operations, including, but not limited to, a valid, current State license issued pursuant to G.L. c. 140, § 122, as applicable. Required State and Federal licenses must be obtained before applying for a Special Permit.
2. Firearm Business Uses shall comply with all applicable Federal, State and local laws and regulations in the operation of their business.
3. The hours of operation for a Firearm Business Use shall not adversely impact nearby uses. The hours of operation shall follow all state statutory and regulatory requirements, but in no case shall any Firearm Business Use be open before 10:00 a.m. or remain open after 5:00 p.m.
4. Prior to the application for a Special Permit, all Firearm Business Uses shall submit a security plan to the Brookline Police Department for review and approval. Review and approval of the security plan may include an inspection of the proposed site by the Police Department. The plan must include, but not be limited to, the following:
  - a. Proposed provisions for security.
  - b. A trained employee shall check identification and compliance with age restrictions prior to customers entering the establishment.
  - c. The physical layout of the interior, including a demonstration that the size of the store is not so excessive so as to create issues with site security and video monitoring.
  - d. After-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.
  - e. The number of employees.
5. Prior to the application for a Special Permit, all Firearm Business Uses shall submit an operations and management plan to the Brookline Police

Department for review and approval.

6. All Firearm Business Uses shall conduct criminal background checks for all employees in accordance with State law.
7. No persons under the age of 18 shall have access into or within a Firearms Business Use, with the sole exception that minors age 14 and older may access a Firearms Dealer accompanied by the minor's parent or legal guardian.
8. Firearms Dealers shall videotape the point of sale of all firearms transactions and maintain videos for three years to deter illegal purchases and monitor employees.

**G. Special permit application and procedure.** In addition to the procedural and application requirements of Section. 9.03, an application for special permit for a Firearm Business Use shall include, at a minimum, the following information:

1. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site.
2. **Lighting Analysis:** A lighting plan showing the location of proposed lights on the building and the lot and a photometric plan showing the lighting levels.
3. **Context Map:** A map depicting all properties and land uses within a minimum 1,000 foot radius of the proposed lot. The context map shall include the measured distance to all uses described in Section. 4.14.E.1 above, and shall be certified by a design professional such as an architect, engineer or land surveyor.
4. **Description of Ownership, Management, and Employees:** The name and address of the legal owner of the establishment. The name and address of all persons having any legal, beneficial, equitable, or security interests in the establishment. In the event that a corporation, partnership, trust or other entity is listed, the name, and address of every person who is an officer, shareholder, member, manager, or trustee of the entity must be listed. The name, address, phone number and email address of the manager(s) and assistant manager(s).
5. **Comprehensive Signage Plan:**
6. **Report from Chief of Police or designee:** confirming that the applicant has submitted the plans requiring approval by the Police Department, and those plans have been approved, along with any additional information requested by the Zoning Board of Appeals or that the Chief of Police feels is relevant to the special permit application.

**G. Special Permit Criteria.** In granting a special permit for a Firearm Business Use, in addition to finding that the general criteria for issuance of a special permit are met, the Zoning Board of Appeals shall find that the following criteria are met:

1. Criteria for all Firearm Business Uses:
  - a. The lot is designed such that it provides convenient, safe and secure access and egress for clients and employees arriving to and leaving from the lot.
  - b. The establishment will have adequate and safe storage, security, and a lighting system.
  - c. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
  - d. The establishment is designed to minimize any adverse impacts on abutters or pedestrians.
  - e. The location and operating characteristics of the proposed use will not be detrimental to the public health, safety and welfare of the neighborhood, which may extend into an adjacent municipality, or the Town.
  - f. All signage has been reviewed and approved by the Planning Board as to letter size, color and design per Section. 7.08, to ensure mitigation of impact to the surrounding neighborhood, consistent with applicable federal and State law.
  - g. The establishment has satisfied all of the conditions and requirements in this section.

**H. Severability.** If any portion of this section is ruled invalid, such ruling will not affect the validity of the remainder of the section.

**Add to Sec. 4.07, Table of Use Regulations, the following new Principal Use under Retail and Consumer Service Uses, #29A, subject to the regulations in Sec. 4.14 Firearm Uses.**

| Principal Uses  | Residence |    |    |    |    | Business |    |    | Ind. |
|---|-----------|----|----|----|----|----------|----|----|------|
|   | S         | SC | T  | F  | M  | L        | G  | O  | I    |
| 29A. Firearm Business Uses*<br><br>*Must have a report from the Police Chief. Subject to the regulations under Section 4.14 of the Zoning By-law. | No        | No | No | No | No | No       | SP | No | No   |

Amend Article II, Definitions, of the Town of Brookline Zoning By-Law as follows:

## §2.00 – PURPOSE AND INTENT

For purposes of this By-law, the following words and phrases shall have the meanings given in the following sections, unless a contrary intention clearly appears.

### §2.01 – “A” DEFINITIONS

#### 1. ACCESSORY

a. Accessory building: a building devoted exclusively to a use accessory to the principal use of the lot.

b. Accessory use: a use incident to, and on the same lot as, a principal use.

2. AMENITY—A condition or facility that provides comfort or pleasure, including but not limited to desirable exposure to sunlight, protection from adverse microclimate, contribution to favorable microclimate, pleasant views of sky, cityscape, landscape, or works of art, preservation of trees or historic structures, provision of assets or conveniences such as specimen trees or benches.

3. AMMUNITION—As defined or amended by State statute or regulations, cartridges or cartridge cases, primers (igniters), bullets, tear gas cartridges, or propellant powder designed for use in any Firearm. For the purposes of this definition, “Firearm” is to have the meaning prescribed in

this By-Law, and shall include, but not be limited to: firearms (as that term is defined in G.L. c. 140, §121),rifles or shotguns.

4. ATTIC—The Space between the ceiling beams, or similar structural elements, of the top story of a building and the roof rafters. The top story shall be the story at the highest level of the building.

## §2.06 – “F” DEFINITIONS

1. FAMILY—One or more persons, including domestic employees, occupying a dwelling unit and living as a single, non-profit housekeeping unit; provided, that a group of five or more persons who are not within the second degree of kinship, as defined by civil law, shall not be deemed to constitute a family.
2. FIREARM—Any device designed or modified to be used as a weapon capable of firing a projectile using an explosive charge as a propellant, including but not limited to: guns, pistols, shotguns, rifles.
3. FIREARM ACCESSORY—Any device designed, modified or adapted to be inserted into or affixed onto any Firearm to enable, alter or improve the functioning or capabilities of the Firearm or to enable the wearing or carrying about one’s person of a Firearm.
4. FIREARM BUSINESS
  1. Firearm Dealer: A retail or wholesale operation involving the purchase or sale of Firearms, Ammunition, and/or Firearm Accessories.
  2. Gunsmith: Any retail operation involving the repairing, altering, cleaning, polishing, engraving, blueing or performing of any mechanical operation on any Firearm.
5. FRATERNITY OR SORORITY HOUSE—A building occupied by a group of students of either sex of a school or college as their residence during the academic year.

or act on anything relative thereto.

## ARTICLE 23

Submitted by: Michael Zoorob, Lisa Cunningham, Scott Englander, Jesse Gray, Ben Hellerstein, Jonathan Klein

Lead Petitioner: Michael Zoorob

To see if the Town will amend the Zoning By-Law to modify residential parking requirements by making the following changes (additions appear underlined; deletions appear as ~~strike-through~~):

- 1) Amending §6.01 2.a. as follows:

a. In SC, T, F, M, L, or G Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in accordance with the requirements in §6.02 and §6.05. However, the Board of Appeals by special permit under Article IX may reduce or eliminate ~~waive not more than one-half the~~ minimum number of parking spaces required under §6.02 and §6.05.

2) Adding the following paragraph to §6.02 after paragraph number 1. a, and change all subsequent lettering as appropriate:

b. The Zoning Board of Appeals may reduce or eliminate, by Special Permit, the minimum parking requirements of §6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS for all residential uses if the Zoning Board of Appeals determines that it is warranted and not detrimental to the neighborhood, and if the Zoning Board of Appeals finds that the reduction or elimination of minimum parking requirements facilitates one or more of the following:

- Provision of significantly more usable and/or landscaped open space than otherwise required.
- Maintaining street parking or maintaining the uninterrupted flow of bicycle or pedestrian facilities (e.g. bike-only travel lanes or sidewalks).
- Creation of an additional housing unit or units that would be allowed under the existing zoning, except for the lack of available parking otherwise required.
- Provision of on-site affordable housing units in excess of those required by Section 4.08 of the Zoning By-Law.
- Preservation of a building with historic or architectural significance as determined by the Preservation Commission.
- Construction or renovation of the proposed building or use to be fossil-fuel-free.
- Preservation of a landmark tree or significant landscaping element as determined by the Town Tree Warden.
- Providing support to community services or facilities as accepted and approved by the Director of Public Works or Building Commissioner.
- Other counterbalancing amenities as determined appropriate by the Planning Board and Zoning Board of Appeals.

3) Amending §6.02 2.c. as follows:

c. A residential development in which all units are affordable units (as defined in §4.08.2.c), including but not limited to a low-rent housing project of the Brookline Housing Authority, shall not be subject to any minimum parking requirements. ~~for elderly persons or elderly families (as defined in applicable state or Federal legislation) need not provide more than one fifth the number of spaces which would otherwise be required by this section. The foregoing sentence shall cease to be applicable when and if such project is no longer operated by a public body to provide low-rent housing for such elderly persons or elderly families.~~

4) Amending §6.02 2.d. as follows:

d. ~~The number of spaces required for housing affordable units as defined in §4.08.2.c (other than as specified in subparagraph c. above) and housing having age of occupant requirements or maximum rents or maximum sales prices controlled in order to comply with the conditions of Federal, state, or local legislation or regulations or on-site unit approved per §4.08 thereunder may be reduced or eliminated by the Board of Appeals by special permit. where it can be demonstrated that the parking needed for occupants and visitors will be below that otherwise required by this section and that the number of spaces otherwise required by this section could eventually be accommodated on the site should the building ever be changed to other kinds of occupancy requiring additional parking spaces. Special permits granted under this section shall apply only for the type of rents and occupancy specified at the time of application, and shall not reduce the parking requirement below one fifth of the number of spaces which would otherwise be required by this section.~~

5) Removing §6.02 2.e. as follows and re-lettering all the remaining subparagraphs:  
~~2.e. For a dwelling unit which is occupied by three or more unrelated persons (including lodgers), the parking requirement for the dwelling unit shall be twice that indicated in the Table of Off-Street Parking Space Requirements in 6.02.~~

6) Amending §6.02 2.i. (re-lettered h. per above) as follows:

~~ih. Residential uses on any lot for which any portion of the lot is within the Transit Parking Overlay District, notwithstanding the requirements of §3.02 paragraph 4, must provide no fewer off street parking spaces per dwelling unit than 1 for studio units, 1.4 for one bedroom units, 2 for two bedroom units, 2 for dwelling units of three or more bedrooms shall not be subject to minimum parking requirements; however, any development in the Transit Parking Overlay District with at least 15 residential units shall provide handicap accessible parking spaces (as described in §6.04.g.) equal to at least 5% of the number of residential units.~~

or act on anything relative thereto.

## **ARTICLE 24**

Submitted by: Planning Board

To see if the Town will add the following language to Sec. 6.02, Off-Street Parking Space Regulations, of the Zoning By-law after paragraph number 1. a, and change all subsequent lettering as appropriate.

b. The Zoning Board of Appeals may reduce or eliminate, by Special Permit, the minimum parking requirements of Section 6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS for all residential uses, as listed in Sec. 4.07 of the Table of Use Regulations #s 1-8a if the Zoning Board of Appeals determines that it is warranted and not detrimental to the neighborhood, and if the Zoning Board of Appeals

finds that the reduction or elimination of minimum parking requirements helps to facilitate one or more of the following:

- Creation of an additional unit or units that would be allowed under the existing zoning, except for the lack of available parking under current requirements.
- Provision of on-site affordable housing units in excess of those required by Section 4.08 of the Zoning By-Law. Where a project includes both market-rate and affordable units, the parking ratio shall be the same for all units.
- Construction or renovation of the proposed building or use to be fossil-fuel-free.
- Preservation of a building with historic or architectural significance as determined by the Preservation Commission. Reductions may be denied to any project that involves demolition of an existing structure, whether or not determined to be of historic or architectural significance.
- Preservation of a landmark tree or significant landscaping element as determined by the Town Tree Warden.
- Provision of significantly more usable and/or landscaped open space than required by the Zoning By-Law
- Providing support to community services or facilities as accepted and approved by the Director of Public Works or Building Commissioner

Or other counterbalancing amenities as determined appropriate by the Planning Board and Zoning Board of Appeals. Compliance with the Regulations of the Architectural Access Board must be maintained.

Or act on anything relative thereto.

## **ARTICLE 25**

Submitted by: Michael Zoorob, Lisa Cunningham, Scott Englander, Jesse Gray, Ben Hellerstein, Jonathan Klein, Werner Lohe

Lead Petitioner: Michael Zoorob

To see if the Town will amend the Zoning By-Law to increase the requirements for EV READY parking spaces as follows (additions appear underlined; deletions appear as strike through):

Modifying §6.04 .15 - ELECTRIC VEHICLES as follows:

15. ~~For Parking Areas, non-residential and Residential,~~ For residential parking areas, all parking spaces shall be EV Ready Spaces. For non-residential parking areas with 45 7 or more parking spaces, at least 15% of the total parking spaces, and not fewer than one parking space, shall be EV Ready Spaces. The definitions of EV Ready Space, Electric Vehicle, and Electric Vehicle Supply Equipment (EVSE) are as defined in the latest edition Chapter 13 C202 of the Ninth Edition of the Massachusetts State Building Code. For additions and renovations to existing buildings, exceptions to this paragraph shall be consistent with the latest edition of the Massachusetts State Building Code. The Board of Appeals may by special permit alter the requirements of this paragraph for a specific project.

or act on anything relative thereto.

**ARTICLE 26**

Submitted by: Linda Olson Pehlke, TMM Pct. 2, Paul Warren, TMM Pct. 1, Gina Hahn, TMM Pct. 3, M. David Lee, President Stull and Lee Architecture and Planning, Pct. 6

To See if the Town will Adopt the following Resolution:

Whereas, COVID has changed the way we live, learn, work, play, and interact.

Whereas, it would be in the Town’s best interest to engage in a Town-wide, progressive planning and zoning reform project responding to COVID and additional pressing issues, such as climate disruption, equity, housing insecurity, and business vitality.

Whereas, the Town, its residents, businesses and non-profits and potential property developers struggle with an antiquated zoning bylaw that is difficult to understand, does not reflect modern community goals, and does not produce predictable, context-appropriate outcomes.

Whereas, our Zoning By-Law does not adequately reflect the impact of COVID and the resulting evolving new trends in housing, commuting, lifestyle choices, and the growing awareness that our health and wellbeing depends on access to the outdoors and recreation.

Whereas, community engagement across the entire town is the key-stone of this project. Starting with a detailed inventory of our current environment, this engagement process will allow stakeholders to identify common goals and values along with strategies for implementation.

Whereas, these shared goals and values can be translated into a new, reformed Zoning By-Law based on form-based zoning and incorporating other progressive planning tools. Current corridor planning studies and other ongoing planning efforts will continue and inform project recommendations.

Whereas, by doing the work to define our shared goals, we can work together to respond to COVID and also strengthen and enhance the quality of life for all who live, work, study or visit in Brookline.

Now, Therefore, Be It

Resolved, that the Town engage in a Town wide planning and zoning reform project involving all stakeholders with the goal of reforming its Zoning By-law based on form-based zoning and incorporating other progressive planning tools;

Further Resolved, that the current corridor studies, the Housing Production Plan, the Climate Action Plan and other ongoing planning studies will continue and inform project recommendations; and

Further Resolved, that the Town endeavor to seek and provide adequate funding to retain all necessary consultants and additional planning staff to successfully complete the project; and

Further Resolved, the Town will provide a progress report to each Annual Town Meeting until project completion.

Or act on anything related thereto.

#### **ARTICLE 27**

Submitted by: John Doggett, TMM P13, and Neil Gordon, TMM P1

To see if the Town will amend the Town's General Bylaws as follows (additions in **bold underline**):

#### SECTION 2.1.4 WARRANT REPORTS FOR ARTICLES

There shall be filed with each Article intended for the Warrant a brief statement or explanation by the proponent **which shall include the financial impact on the Town of implementing the proposed change**. The Select Board shall prepare a report on the Articles in the Warrant to be included in the combined reports described in Section 2.5.2.

An Article submitted by the Select Board, or other Town Board, Commission or Department, shall be deemed to be incomplete and not acceptable for insertion in the Warrant unless all plans, specifications and estimates and other supporting data necessary for its consideration by Town Meeting, as well as the explanation of the purpose of the Article, are submitted prior to said deadlines. The insertion of such an Article in the Warrant by the Select Board shall be conclusive evidence of compliance with the condition set forth in the preceding sentence.

The Warrant for the Annual Town Meeting shall include an Article providing the opportunity to terminate and close out accounts for special appropriations of prior years that were authorized at a Town Meeting beginning 22 or more months before the start of said Annual Town Meeting.

The requirements of sections 2.1.2 through 2.1.4, inclusive, may be waived when the Select Board determine that emergency conditions, or a situation requiring immediate action or the provisions of any general or special law require such a waiver

or act on anything relative thereto.

#### **ARTICLE 28**

Submitted by: Shira H. Fischer; Jonathan Klein, Jonathan H. Davis

### **PART VIII – PUBLIC HEALTH AND SAFETY**

#### **New Article 8.40: Trade in Fur Products**

To see if the town will amend the general bylaws by adding the following new Article 8.40, Trade in Fur Products, providing as follows:

#### 8.40.1 - Purpose and Findings.

To protect the health and welfare of the inhabitants of this town, this bylaw will restrict trade in fur products. Fur farms are reservoirs and transmission vectors for dangerous zoonotic diseases, including SARS coronaviruses, that threaten public health, including in the Town of Brookline. In addition, the fur production process is energy intensive and has a significant environmental impact, including air and water pollution, and animals that are slaughtered for their fur endure tremendous suffering. Eliminating the sale of fur products in the Town of Brookline will decrease the demand for these cruel and environmentally harmful products and promote community health and wellbeing as well as animal welfare, and, in turn, will foster a more humane environment in the Town and enhance the reputation of the Town.

8.40.2 - Definitions. For purposes of this Article, the following words and phrases have the definitions set forth next to them:

“Fur”: Any animal skin or part thereof with hair, fleece, or fur fibers attached thereto, either in its raw or processed state.

“Fur product”: Any article of clothing or covering for any part of the body, or any fashion accessory, including, but not limited to handbags, shoes, slippers, hats, earmuffs, scarves, shawls, gloves, jewelry, keychains, toys or trinkets, and home accessories and décor, that is made in whole or part of fur. “Fur product” does not include any of the following:

- a. An animal skin or part thereof that is to be converted into leather, or which in processing will have the hair, fleece, or fur fiber completely removed;
- b. Cowhide with the hair attached thereto;
- c. Lambskin or sheepskin with the fleece attached thereto; or
- d. The pelt or skin of any animal that is preserved through taxidermy or for the purpose of taxidermy.

“Non-profit organization”: Any corporation that is organized under 26 U.S.C. Section 501(c)(3) that is created for charitable, religious, philanthropic, educational, or similar purposes.

“Retail transaction”: Any transfer of title of a fur product for consideration, made in the ordinary course of the seller’s business, to the purchaser for use other than resale or further processing or manufacturing.

“Taxidermy”: The practice of preparing and preserving the skin of an animal that is deceased and stuffing and mounting it in lifelike form.

“Ultimate consumer”: An individual who buys for their own use, or for the use of another, but not for resale or trade.

“Used fur product”: A fur product that has been worn or used by an ultimate consumer.

8.40.3 - Prohibitions. Notwithstanding any other provision of the bylaws, no person shall sell, offer for sale, display for sale, trade, or otherwise distribute for monetary or nonmonetary consideration a fur product in the Town of Brookline. For purposes of this section, the sale of a fur product shall be deemed to occur in the Town of Brookline if: (a) the buyer takes physical possession of the fur product in the Town; or (b) the seller is located in the Town.

8.40.4 - Exceptions. The prohibitions set forth in Section 8.40.3 of this Article do not apply to the sale, offer for sale, displaying for sale, trade, or distribution of:

- a. A used fur product by an individual (excluding a retail transaction), non-profit organization, or second-hand store, including a pawn shop;
- b. A fur product required for use in the practice of a religion;
- c. A fur product used for traditional tribal, cultural, or spiritual purposes by a member of a federally recognized or state recognized Native American tribe; or
- d. A fur product where the activity is expressly authorized by federal or state law.

8.40.5 – Penalty. Any person violating this bylaw shall be liable to the Town in the amount of \$300. Each fur product and every day upon which any such violation shall occur shall constitute a separate offense.

8.40.6 – Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect, and to this end the provisions of this Ordinance are hereby declared to be severable.

8.40.7 – Effective date. This bylaw shall become effective upon satisfaction of the requirements for Attorney General approval and for posting or publication provided in M.G.L. c. 40 § 32, and no earlier than April 1, 2022.

Or act on anything related thereto.

## **ARTICLE 29**

Submitted by: Neil Gordon, TMM1

To see if the Town will vote to amend Article 3.22 of the General By-laws, by renaming the Article and by adding a new section, as follows (deletions in ~~strike through~~; additions in **bold underline**):

### **ARTICLE 3.22 THE PUBLIC’S RIGHT TO BE HEARD ~~ON WARRANT ARTICLES~~** **Section 3.22.1 THE PUBLIC’S RIGHT TO BE HEARD ON WARRANT**

**ARTICLES** - Any committee as defined in section 1.1.4, before taking its first or only vote with respect to an Article on the Warrant, must hold a duly noticed public hearing with respect to the Article, and the committee’s permanent record must record that a duly noticed public hearing with respect to such Article occurred before such vote. Due notice of the public hearing shall be satisfied if the due notice complies with the Open Meeting

Law (G.L. C. 30A, secs. 18 et seq.) and By-law 3.21.3(a). The vote may take place at any time or date after the completion of the duly noticed public hearing. This Article shall not apply to the plenum of the Advisory Committee or School Committee, provided a subcommittee of those bodies assigned to review and report to the full Committee on a warrant article complies with the by-law by holding a duly noticed public hearing before any vote on said warrant article.

**SECTION 3.22.2 CHANGES IN POLLING LOCATIONS AND OTHER ELECTION RELATED MATTERS - If practicable, no action shall be taken by the Town except following a duly noticed public hearing by the Town Clerk, Select Board, or other applicable body, with respect to the following:**

- (i) Change in polling location, including for early voting;**
- (ii) Reduction in staffing levels at polling locations from the last town or state election, as the case may be;**
- (iii) Change in times when the Town Clerk's office is open to the public;**
- (iv) Change in practice regarding the verification of voter signatures on nominating petitions, warrant article petitions, and the like; and**
- (v) Any other election-related change in policy or practice.**

**Due notice of the public hearing shall be satisfied if the due notice complies with the Open Meeting Law (G.L. C. 30A, secs. 18 et seq.) and By-law 3.21.3(a).**

Or take any other action relative thereto.

**ARTICLE 30**

Submitted by: Martin Rosenthal, TMM-9, 62 Columbia St., 02446 [617-738-6621], also counsel for Stanley Spiegel.

To see whether the Town shall vote to raise and appropriate, or transfer from available funds, the sum of \$198,050, or any other sum, to be paid to Stanley Spiegel and/or his attorneys for purposes of settling a valid indemnity claim he has asserted against the Town under G.L. c. 258, §13 (adopted by a 1980 Brookline ballot question vote of 1216Y-597N) for the matter of Gerald Alston v. the Town of Brookline, et al, U. S. District Court #1:15-cv-13987-GAO, and 1st Circuit Court of Appeals #'s 20-1434 and 20-1435.

or take any other action relative thereto.

**ARTICLE 31**

Reports of Town Officers and Committees

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

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 14th day of September, 2021.

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SELECT BOARD



**BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET VIA ZOOM AND AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, NOVEMBER 16, 2021 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.**

\_\_\_\_\_  
CONSTABLE

\_\_\_\_\_  
DATE