

Town of Brookline

Special Town Meeting

November 16, 2021

**Town of Brookline 2021 Special Town Meeting
November 16, 17, 18, 30, and December 1, 2021**

Night 1: November 16, 2021

- Pledge of Allegiance conducted.
- Call to order: 7:00PM.
- Meeting called to order by Moderator Kate Poverman.
- Acknowledgement of the properly noticed warrant by Town Clerk Ben Kaufman.
- Star Spangled Banner sung by Mr. Slayton.
- Land Acknowledgement read by Ms. Robinson
- **VOTED** to authorize the remote special town meeting request as submitted by the Town Moderator, Kate Poverman for the Special Town Meeting scheduled to be held on November 16, 2021, and any additional Special Town Meeting to be held concurrently, to be held through remote participation.
 - Vote Suspended
- Due to technical issues preventing full participation by Town Meeting Members, the Moderator announces the adjournment of Town Meeting to November 17, 2021 at 7:00 P.M.

ADJOURNED

Night 2: November 17, 2021

- Call to order: 7:00P.M.
- Meeting called to order by Assistant Moderator Sandy Gadsby
- **VOTED** to authorize the remote special town meeting request as submitted by the Town Moderator, Kate Poverman for the Special Town Meeting scheduled to be held on November 16, 2021, and any additional Special Town Meeting to be held concurrently, to be held through remote participation.
 - **Approved:** YEA: 161 NO: 0 ABSTAINED: 2
- Point of Order: P. Warren (P1)

ARTICLE 4

Legislation to delegate the licensing authority of the Select Board

Submitted by: Select Board

Motioned and duly seconded.

Presented by: Heather Hamilton

Speakers: Heather Hamilton (SB/AL), Dennis Doughty (P3/AC)

MOVED: To 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 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.

Approved: AYE: 202 NO: 9 ABSTAINED: 6

ARTICLE 5

Grant of an easement allowing access to the 60-64 Harvard Street parking lot to the lot's owner

Submitted by: Commissioner of Public Works

Motioned and duly seconded.

Presented by: Miriam Aschkenasy

Speakers: Miriam Aschkenasy (SB/AL), David Pollak (P11/AC)

MOVED: That 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.

Approved: AYE: 219 NO: 0 ABSTAINED: 3

ARTICLE 6

Amend Article 7.5.11 of the Town’s General By-Laws to provide for the removal of sidewalk and street obstructions

Submitted by: Commissioner of Public Works, ADA Coordinator

Motioned and duly seconded.

Presented by: Bernard Greene
Speakers: Bernard Greene (SB/AL), Donelle O’Neal (P4/AC), Erin Gallentine (Commissioner of Public Works), Anita Johnson (P8), David Trevvett (Resident), Rebecca Stone (P3), Clinton Richmond (P6), Vena Priestly (P4)

VOTED: That 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 or across any sidewalk or tree lawn 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.

First Offense \$100.00
Second Offense \$200.00
Each Subsequent Offense \$300.00

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.

First Offense _____ \$25.00
Second Offense _____ \$50.00
Each Subsequent Offense _____ \$100.00

Approved: AYE: 224

NO: 1

ABSTAINED: 6

MOTION to DEFER consideration of the Second Special Town Meeting to November 18, 2021 at 7:00 P.M., duly seconded.

Approved

ARTICLES 7, 8, and 9
[Debated Together]

Speakers: Kate Silbaugh (P1), Ana Albuquerque (P1), Alok Somani (P5), Anjini Virmani (Resident), Claudia Levin (Resident), Sara Reich (Resident), Tiffany Rinne (Resident), Raul Fernandez (SB/AL), Miriam Aschkenasy (SB/AL), John VanScoyoc (SB/AL), Carlos Ridruejo (P14), Andrew Fischer (P13), C. Scott Ananian (P10), Ryan Black (P6), Susan Granoff (P7), Amy Newell (Resident), Paul Warren (P1), Mark Levy (P7), Janice Kahn (P15), Alitza Soiffer (Resident)

MOTION to terminate debate.

Approved: AYE: 170 NO: 42 ABSTAINED: 14

ARTICLE 7

Amend Article 8.37.3 of the Town's General By-Laws to increase the cap on Marijuana Retailers by two (2) for Equity Applicants

Submitted by: Select Board

Motioned and Duly Seconded

MOVED: That the subject matter of Article 7 be referred to a Moderator's Committee and that the Moderator's Committee shall issue its recommendation to Town Meeting no later than September 30, 2022.

Approved: AYE: 157 NO: 69 ABSTAINED: 7

ARTICLE 8

Amend Article 8.37.4 of the Town's General By-Laws to round down when calculating the allowed number of Marijuana Retailer

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

Motioned and Duly Seconded

VOTED: That section 8.37.4 of the Town bylaws be amended as follows (language to be stricken appearing in *italic-strikeout*, language to be added appearing 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 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.

In the event that 20% of the number of off-premises liquor licenses is a fraction, the fraction shall be rounded down.

This Section 8.37.4, as amended, shall not affect the validity of licenses outstanding as of its effective date under State law, including Massachusetts General Laws Chapter 94G, Sections 3(a)(2)(ii) and 3(e).

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

Failed: AYE: 106 NO: 116 ABSTAINED: 13

Point of Order: D. O'Neal (P4)

ARTICLE 9

Resolution to Establish a Study Committee to Consider Policy Goals to Guide Town's Approach to the Recreational Marijuana Industry

Submitted by: Alok Somani, Susan Park TMM2

Motioned and Duly Seconded

VOTED: That the subject matter of Warrant Article 9 be referred to the Advisory Council on Public Health; with a recommendation that the ACPH collaborate with the Brookline Department of Public Health on a community-based study or studies of marijuana's public health impacts, with particular attention to, but not limited to, mental health impacts on underage populations; and a further recommendation that funding as needed for staff and consultant services for cannabis impact studies be included in the Health Department's FY23 budget request, from sources including but not limited to cannabis mitigation funds.

Approved: AYE: 153 NO: 73 ABSTAINED: 8

MOTION to DEFER consideration of Article 10 to November 18 after the conclusion of the Special Town Meeting.

Approved

ARTICLE 11

Legislation to exempt the Town from in-person quorums

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)

Motioned and duly seconded.

Presented by: Bonnie Bastien

Speakers: Bonnie Bastien (P5), Kelly Hardebeck (P7), John VanScoyoc (SB/AL), Gil Hoy (P13), Amanda Zimmerman (P7), Naomi Sweitzer (P10)

MOTION to terminate debate

Approved: AYE: 191 NO: 26 ABSTAINED: 11

VOTED: that the Town 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 30A, 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.

Approved: AYE: 220 NO: 4 ABSTAINED: 4

Point of Order: M. Toffel (P8)

ARTICLE 12

Resolution to encourage the Select Board to provide equipment and mandates to allow for the Town to hold Hybrid Meetings for all public bodies

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)

Motioned and duly seconded.

Presented by: Bonnie Bastien
Speakers: Bonnie Bastien (P5), Kelly Hardebeck (P7), Gil Hoy (P13), Rebecca Stone (P3), John VanScoyoc (SB/AL), Deborah Brown (P1), Mike Sandman (P3)

MOTION to terminate debate

Approved: AYE: 162 NO: 44 ABSTAINED: 9

VOTED: Advisory Committee Amendment to Article 12

Failed: Aye: 100 No: 119 Abstained: 9

Voted that the Town adopts the following resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meeting 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 1, 2022, which creates the possibility that public body members and the general public will cease being able to fully participate in public body meetings via audio/visual technology; 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 is eligible for ARPA funding; 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 20 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, according to the following schedule deemed feasible by Town Staff: four such rooms including the Select Board Hearing Room and School Committee Hearing Room by June 1, 2022; four additional such rooms by November 1, 2022; and all such rooms by June 1, 2023; and
2. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that all Brookline public bodies meeting under OML meet in a hybrid or fully remote manner rather than via the tradition of meeting in-person providing only telephone access to those seeking to participate remotely; and
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.

Approved: AYE: 217 NO: 5 ABSTAINED: 7

ARTICLE 13

Amend Article 2.1.15 of the Town’s General By-Law to require roll-call votes for Town Committees

Submitted by: Mike Toffel, TMM 8

Motioned and duly seconded.

Presented by: Michael Toffel

Speakers: Michael Toffel (P8), C. Scott Ananian (P10), Bernard Greene (SB/AL),
Michael Burstein (P12)

VOTED that the Town adopt the following amendment of the General Bylaws (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.

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.

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.

Approved: AYE: 211 NO: 3 ABSTAINED: 13

MOTION to Adjourn, duly seconded
Approved

Night 3: November 18, 2021

- Second Special Town Meeting Call to order: 7:00PM
- Meeting called to order by Assistant Moderator Gadsby
- The Moderator announced updated vote totals
- Disclosure of the appearance of a potential conflict of interest: Assistant Moderator Gadsby

Fall 2021 Special Town Meeting 2

ARTICLE 1

FY2022 Budget Amendment

Submitted by: Select Board

Motioned and duly seconded.

Speakers: Mike Sandman (P3/AC), Heather Hamilton (SB/AL)

Point of Order: M. Rosenthal (P9)

Speakers: Martin Rosenthal (P9), Ryan Black (P6), C. Scott Ananian (P10), Deborah Brown (P1), Neil Wishinsky (P5), Jonathan Klein (P10), John VanScoyoc (SB/AL), Arthur Conquest (P6), Nicole McClelland (P11), Jennifer Goldsmith (P11), Bernard Greene (SB/AL), Marissa Vogt (P4), Jonathan Karon (P12), Chi Chi Wu (P7), Amanda Zimmerman (P7), Jonathan Simpson (Associate Town Counsel), Gil Hoy (P13), Naomi Sweitzer (P10), Ariel Maddocks (P10)

Question of Privilege: M Rosenthal (P9)

Point of Order: J Goldsmith (P11)

MOTION to terminate

Failed: AYE: 123 NO: 91 ABSTAINED: 10

Speakers: Jane Flanagan (P15), Rebecca Mautner (P11), Jonathan Simpson (Associate Town Counsel), Mike Sandman (P3), Dave Gacioch (P13), Neil Gordon (P1), Mariah Nobrega (P4), Jennifer Goldsmith (P11), Mark Levy (P7)

MOTION to terminate

Approved: AYE: 152 NO: 68 ABSTAINED: 6

VOTED: Advisory Committee Amendment to Article 1

Approved: Aye: 195 No: 25 Abstained: 8

MOVED: To 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 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.

Approved: AYE: 202 NO: 9 ABSTAINED: 6

MOTION to dissolve second special town meeting, duly seconded

Approved

[Second Special Town Meeting dissolved at 8:59PM. Special Town Meeting reconvened at 9:04PM]

MOTION to DEFER consideration of Article 10 to November 30, 2021

Approved

ARTICLE 15

Create a new Article 3.____ of the Town's General By-Law to provide language access service

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

Motioned and duly seconded.

Presented by: Chi Chi Wu

Speakers: Chi Chi Wu (P7), Susan Granoff (P7/AC), Raul Fernandez (SB/AL), Deborah Brown (P1), Mariah Nobrega (P4), John VanScoyoc (SB/AL), Bettina Neufeind (P1)

VOTED that the Town will adopt the following as a new Article 3.XX of the Town By-laws:

Article 3.26

Provision of Language Access Services

Section 3.26.1. 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 3.26.2. 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 3.26.3. 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 3.26.4. 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 3.26.5. 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 3.26.6. 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.

Approved: AYE: 218 NO: 2 ABSTAINED: 5

ARTICLE 17

Resolution regarding a Town-wide composting program

Submitted by: Paul Hsieh and Douglas Plante

Motioned and duly seconded.

Presented by: Paul Hsieh

Speakers: Paul Hsieh (Resident), Harry Friedman (P12/AC), Bernard Greene (SB/AL), Vena Priestly (P4), Linda Olson Pehlke (P2), Clint Richmond (P6), Christi Electris (P7), Erin Gallentine (Commission of Public Works), Regina Frawley (P16)

VOTED THAT 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 100% of households in other Massachusetts communities,

THEREFORE, be it resolved that Town Meeting urges SWAC to identify any upcoming opportunities for the Town to consider the expansion of its mandatory recycling program to include all compostable organic waste generated by residents serviced by the Town's municipal waste collection program; and

Be it further resolved, that Town Meeting urges SWAC to submit a progress report to the Nov 2022 Town Meeting.

Approved: AYE: 211 NO: 3 ABSTAINED: 4

ARTICLE 18

Resolution regarding a the Town's use of low carbon concrete

Submitted by: Ira Krepchin, TMM15

Motioned and duly seconded.

Presented by: Ira Krepchin

Speakers: Ira Krepchin (P15), Bernard Greene (SB/AL), Lisa Cunningham (P15),
Werner Lohe (P13)

VOTED that the Town adopt the following resolution (red-lined against the warrant article):

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 79-10% of worldwide greenhouse gas emissions; ~~and 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 ~~and re~~ 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; ~~and~~
~~and~~

WHEREAS, this proposal defines low-carbon products as those that produce at least 10 percent less carbon dioxide emissions in their production and use than the average mixture used for a given application; and

WHEREAS, the DPW has been recycling concrete for the past eight years;

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.~~

Approved: AYE: 219 NO: 0 ABSTAINED: 3

ARTICLE 19

Resolution to encourage the Select Board to provide equipment and mandates to allow for the Town to hold Hybrid Meetings for all public bodies

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)

Motioned and duly seconded.

Presented by: Bonnie Bastien

Speakers: Bonnie Bastien (P5), Kelly Hardebeck (P7), Gil Hoy (P13), Rebecca Stone (P3), John VanScoyoc (SB/AL), Deborah Brown (P1), Mike Sandman (P3)

MOTION to terminate debate

Approved: AYE: 162 NO: 44 ABSTAINED: 9

VOTED: Advisory Committee Amendment to Article 12

Failed: Aye: 100 No: 119 Abstained: 9

Voted that the Town adopts the following resolution:

WHEREAS, the temporary COVID provisions that suspended the Massachusetts Open Meeting 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 1, 2022, which creates the possibility that public body members and the general public will cease being able to fully participate in public body meetings via audio/visual technology; 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 is eligible for ARPA funding; 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 20 months; and

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

NOW THEREFORE BE IT RESOLVED THAT:

2. 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, according to the following schedule deemed feasible by Town Staff: four such rooms including the Select Board Hearing Room and School Committee Hearing Room by June 1, 2022; four additional such rooms by November 1, 2022; and all such rooms by June 1, 2023; and
3. Brookline Town Meeting calls on the Select Board, Moderator, and others who appoint public bodies to, once the legal and technological hurdles are surmounted, insist that all Brookline public bodies meeting under OML meet in a hybrid or fully remote manner rather than via the tradition of meeting in-person providing only telephone access to those seeking to participate remotely; and
4. 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.

Approved: AYE: 217 NO: 5 ABSTAINED: 7

MOTION to Adjourn, duly seconded
Approved

Night 4: November 30, 2021

- Special Town Meeting Call to order: 7:00PM
- Meeting called to order by Moderator Poverman
- Presentation of Zoom features and voting procedures
- The Moderator announced updated vote totals

ARTICLE 10

Legislation to exempt the Town from in-person quorums

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)

Motioned and duly seconded.

Presented by: Sandy Gadsby

Point of Order: M. Toffel (P8)

Point of Order: D. Fishman (P4)

Speaker: Sandy Gadsby (Assistant Moderator)

Point of Order: J. Benson (P3)

Speakers: Heather Hamilton (SB/AL), Lee Selwyn (P13),

Point of Order: Mike Toffel (P8)

Speakers: Paul Warren (P1)

Point of Order: Marty Rosenthal (P9)

Speakers: Kate Becker (P3), Kate Silbaugh (P1), Gerry Tuckman (P9), Kelly Hardebeck (P7/AC), Gil Hoy (P13), Naomi Sweitzer (P10), Mike Toffel (P8), Paula Friedman (P14), Jane Gilman (P3), Chi Chi Wu (P7), Ryan Black (P6)

Point of Order: Charles Swartz (P9)

Point of Order: Paul Warren (P1)

Speakers: Scott Ananian (P10)

MOTION to terminate debate

Failed: AYE: 143 NO: 86 ABSTAINED: 8

Speakers: Amanda Zimmerman (P7), Mark Levy (P7), Jonathan Klein (P10), Dave Gacioch (P13), Marissa Vogt (P4), Nicole McClelland (P11)

MOTION to terminate debate

Approved: AYE: 160 NO: 67 ABSTAINED: 4

VOTED: Warren Amendment to Article 10

Failed: Aye: 64 No: 162 Abstained: 12

VOTED: Selwyn Amendment to Article 10

Failed: Aye: 35 No: 192 Abstained: 11

VOTED: To 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.

Approved: AYE: 223 NO: 10 ABSTAINED: 6

[Recess at 9:10PM. Reconvene at 9:20PM]

ARTICLE 20

*Amend the Town's Preservation Commission and Historic Districts Bylaw to establish the
Olmsted-Richardson Local Historic District*

Submitted by: Preservation Commission

Motioned and duly seconded.

Presented by: Elton Elperin

Speakers: Elton Elperin (Preservation Commission), Bernard Greene (SB/AL), Jeffrey Benson (P3), Paul Warren (P1/AC), John VanScoyoc (SB/AL), Deborah Brown (P1), Jonathan Margolis (P7), Sean Lynn-Jones (P1), Anita Johnson (P8), Steven Heiken (Planning Board), John Bassett (P6), Harriet Rosenstein (P9)

MOTION to terminate debate

Approved: AYE: 184 NO: 33 ABSTAINED: 12

VOTED that the Town 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.

Approved: AYE: 217 NO: 5 ABSTAINED: 7

MOTION to Adjourn, duly seconded

Approved

Night 5: December 1, 2021

- Special Town Meeting Call to order: 7:00PM
- Meeting called to order by Assistant Moderator Gadsby
- The Moderator announced updated vote totals
- **MOTION to ADVANCE Article 28 to first thing 12/1/2021, duly seconded**
 - **APPROVED**
- **MOTION to DEFER Article 26 to first thing 12/2/2021, duly seconded**
 - **APPROVED**

ARTICLE 28

Create a new Article 8.40 of the Town's General By-Laws to regulate trade in fur products

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

Motioned and duly seconded.

Presented by: S. Fischer (P11)

Speakers: Shira Fischer (P11), Ezra Kleinbaum (Resident), Mark Miller (Resident), Harry Boehrs (P3/AC), Miriam Aschkenasy (SB/AL), Jonathan Klein (P10), Naomi Sweitzer (P10), Minna Sweitzer-Shalit (Resident)

MOTION to terminate debate

Approved: AYE: 138 NO: 67 ABSTAINED: 14

VOTED: That 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. .

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.

“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 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;
- b. A fur product required or traditionally used in connection with 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.

Approved: AYE: 170 NO: 34 ABSTAINED: 19

ARTICLE 21

Amend Section 4.08 of the Town's Zoning Bylaw pertaining to Affordable Housing Requirements

Submitted by: Planning and Community Development Department

Motioned and duly seconded.

Presented by: R. Fernandez (SB/AL)

Speakers: Raul Fernandez (SB/AL), Steve Heikin (Planning Board), Lee Selwyn (P13/AC)

VOTED: That the Town:

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):

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
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. *Compliance with § 4.08 required if containing 6 <u>four</u> or more dwelling units. Permitted by special permit in S-0.5P and S-0.75P Districts subject to § 5.06 . 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. Within the Waldo-Durgin Overlay District,	No*	No	No	No	Yes*	Yes*	Yes*	No	Yes*

the percentage of such frontage devoted to residential use may be increased by special permit in accordance with § 5.06.4.k.									
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Approved: AYE: 212 NO: 0 ABSTAINED: 3

ARTICLE 22

Add a new Section 4.14 to the Town’s Zoning By-Law to provide for siting of firearm business uses

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

Motioned and duly seconded.

Presented by: P. Bignami (P12)
Speakers: Petra Bignami (P12), Lee Selwyn (P13/AC), Steve Heiken (Planning Board), Janice Kahn (P15)

MOTION to terminate debate

Approved: AYE: 190 NO: 21 ABSTAINED: 8

VOTED: That the Town Add a new section to Art. IV, as follows:

Section 4.14 FIREARM BUSINESS USES

1. **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.

2. Definitions.

See Section 2, Definitions, of the Zoning By-Law for definitions of applicable terms.

3. 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.

4. 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.

5. Location requirements.

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 ~~directly abut any property be located adjacent to any property containing a residential use. within a radius of 150 feet from any property containing a residential use.~~

a.

a.

c. Firearm Business Uses shall not be located within 1,000 feet of any private or public K-12 school, ~~whether such firearm business uses school is located within or without the Town's boundaries.~~

b.

d.

e. 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 ~~daycare center, preschool, child-care facility or~~ firearm business use is located within or without the Town's boundaries.

c.

f.

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

6. Operational requirements.

- a. 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.
- b. Firearm Business Uses shall comply with all applicable Federal, State and local laws and regulations in the operation of their business.
- c. 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.
- d. 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 ~~shall~~ may include an inspection of the proposed site by the Police Department. The plan must include, but not be limited to, the following:
 1. Proposed provisions for security.
 2. A trained employee shall check identification and compliance with age restrictions prior to customers entering the establishment.
 3. 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.
 4. After-hours storage of all Firearms in locked containers or by otherwise securing the Firearms with tamper-resistant mechanical locks.
 5. The number of employees.
- e. 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.
- f. All Firearm Business Uses shall conduct criminal background checks for all employees in accordance with State law.
- g. 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.
- h. 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.

7. ~~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:

- a. **Description of Activities:** A narrative providing information about the type and scale of all activities that will take place on the proposed site.
- b. **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.
- c. **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.
- d. **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).
- e. **Comprehensive Signage Plan:**
- f. **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.

3. **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:

8.

- a. **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.
 - a.
 - b. The establishment will have adequate and safe storage, security, and a lighting system.
 - b.
 - d. Loading, refuse and service areas are designed to be secure and shielded from abutting uses.
 - c.
 - d. The establishment is designed to minimize any adverse impacts on abutters or pedestrians.
 - f. **T**
 - g. **T**he 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.
 - e.
 - i. 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.
 - f.

g. The establishment has satisfied all of the conditions and requirements in this section.

9. **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*	No	No	No	No	No	No	SP	No	No
*Must have a report from the Police Chief. Subject to the regulations under Section 4.14 of the Zoning By-law.									

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.

Approved: AYE: 214

NO: 1

ABSTAINED: 7

ARTICLE 23

Amend Article VI of the Town's Zoning By-Laws to amend off-street residential parking requirements

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

Motioned and duly seconded.

Presented by: M. Zoorob (P3)

Speakers: Michael Zoorob (P3), Neil Wishinsky (P5/AC), Raul Fernandez (SB/AL), Saralynn Allaire (P16), Tommy Vitolo (State Representative/AL), Linda Pehlke (P2), Steve Heiken (Planning Board), Jonathan Davis (P10), Roger Blood (Housing Advisory Board), Gerald Tuckman (P9), Michael Sandman (P3), Jonathan Margolis (P7), David Pollak (P11), Hugh Mattison (P5), Scott Englander (P6)

Question of Personal Privilege: Mark Levy (P7)

MOTION to terminate debate

Approved: AYE: 154 NO: 62 ABSTAINED: 7

VOTED Advisory Committee Amendment to Article 23

Failed: AYE: 107 NO: 116 ANSTAINED: 5

VOTED: 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) Add the following language to §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 under the requirements of Section 9.05, the minimum parking requirements of §6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS for all residential uses, as listed in §4.07 of the Table of Use Regulations numbers 1-8a, except for the handicapped accessible parking spaces required under §6.02 2.h, if the Zoning Board of Appeals finds that

the reduction or elimination of minimum parking requirements accomplishes one or more of the following:

- Creation of an additional unit or units than 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 when not otherwise required.
- 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 material 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.

3) 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.~~

4) 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, and 2 for dwelling units of three or more bedrooms, but any new construction, redevelopment, or conversion that is otherwise subject to this subsection and that results in an increase in the number of housing units need not provide more than 0.5 parking spaces per studio unit or 1 parking space for any dwelling unit of 1 or more bedrooms; however, any development in the Transit Parking Overlay District containing at least 15 dwelling units shall provide handicap accessible parking spaces (as described in §6.04g) equal to at least 5% the number of residential units.

Approved: AYE: 127

NO: 94

ABSTAINED: 10

ARTICLE 25

Amend Article VI of the Town’s Zoning By-Laws to increase the requirements for EV ready parking spaces

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

Motioned and duly seconded.

Presented by: S. Englander (P6)
Speakers: Scott Englander (P6), Carlos Ridruejo (P14/AC), Miriam Aschkenasy (AB/AL), Steve Heiken (Planning Board)

MOTION to terminate debate

Approved: AYE: 168 NO: 45 ABSTAINED: 6

VOTED refer the subject matter of Article 25 to the Department of Planning and Community Development for further refinement and clarification and that it report its findings and recommendations to the 2022 Annual Town Meeting.

Approved: AYE: 217 NO: 5 ABSTAINED: 3

ARTICLE 27

Amend Article 2.1.4 of the Town’s General By-Laws to require that fiscal impact be included in all warrant article submissions

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

Motioned and duly seconded.

Presented by: J. Doggett (P13)

Speakers: John Doggett (P13), Tommy Vitolo (Select Board/AL), Dennis Doughty (P3/AC), Chi Chi Wu (P7), John VanScoyoc (SB/AL), Deborah Brown (P1)

MOTION to terminate debate

Approved: AYE: 157 NO: 59 ABSTAINED: 10

VOTED: That the Town amend Article 2.1.4 of the General By-laws as follows (additions in **bold underline**) By-law 2.1.4 as follows:

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 **that shall include, to the extent practicable, the financial impact on the Town of implementing the proposed change, though failing to include the explanation or this information will not prevent the Article from appearing on the Warrant.**

Failed: AYE: 81 NO: 132 ABSTAINED: 16

ARTICLE 29

Amend Article 3.22 of the Town's General By-Laws to require public hearings for changes in polling and other election related matters

Submitted by: Neil Gordon, TMM1

Motioned and duly seconded.

Presented by: N. Gordon (P1)

Speakers: Neil Gordon (P1), Dennis Doughty (P3/AC), Raul Fernandez (SB/AL)

VOTED: That the Town 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, and except (i) where mandated by state or federal law, and (ii) with respect to changes made pursuant to a collective bargaining agreement, 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; and**
- ii. **Change in practice regarding the verification of voter signatures on nominating petitions, warrant article petitions, and the like.**

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).

Approved: AYE: 213 NO: 2 ABSTAINED: 4

ARTICLE 26

Resolution to Transform Our Planning and Zoning in the Age of COVID

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

Motioned and duly seconded.

Presented by: P. Warren (P1)

Speakers: Paul Warren (P1), David Lee (Resident), Jonathan Klein (P10), Susan Granoff (P7/AC), Mark Levy (P7), Bernard Greene (SB/AL)

MOTION to terminate debate

Approved: AYE: 182 NO: 35 ABSTAINED: 8

VOTED that the Town will Adopt the following Resolution:

WHEREAS, it would be in the Town’s best interest to engage in a Town-wide, progressive planning and zoning reform project responding to the need for greater resiliency in the face of the climate emergency and pandemic disruptions, plus the critical need for equity, housing affordability, and business vitality; and

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; and WHEREAS, Nearly 600 residents of Brookline have signed a letter to the Select Board calling on the Town to engage in an inclusive, community-driven planning and zoning reform process that would chart a thoughtful and informed course for our future; and

WHEREAS, our Zoning By-Law does not adequately reflect evolving new trends in housing, commuting, lifestyle choices, and the growing awareness that our health and well-being depends on access to the outdoors and recreation; and

WHEREAS, our Zoning By-Law and other Town policies do not adequately address the disparities made evident by the pandemic and detailed in the recently published Disparity Report 2021 under the auspices of the Office of Diversity, Inclusion, and Community Relations; and

WHEREAS, the Select Board identified Objective #11 in the FY 2022 Financial Plan which states, “To pursue re-codification and an update to the zoning by-laws that meets Town Needs and objectives”; and

WHEREAS, WA 34 from Fall 2020 Town Meeting urges the Select Board to determine whether adding substantial new housing is in the Town’s best interests after consideration for impacts to Town facilities, infrastructure, and services, as well as open space and the historic streetscape; and

WHEREAS, the Town has developed new and effective methods for community engagement such as those being used in the Boylston Street/RT 9 Corridor Study; and

WHEREAS, community engagement across the entire town is the keystone of a community-driven planning and zoning reform effort. 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; and

WHEREAS, these shared goals and values should be translated into a new, reformed Zoning ByLaw incorporating progressive planning tools; and

WHEREAS, current corridor planning studies and other ongoing planning efforts should continue and should not be impeded by this broader planning project; and

WHEREAS, by doing the work to define our shared goals, we as a community can work together to respond to the broad set of future community needs and also strengthen and enhance the quality of life for all who live, work, study, or visit in Brookline; and

WHEREAS, MGL Title VII Chapter 41 Section 81D: Master plan, requires that a planning board “shall make a master plan of such city or town and from time to time may extend or perfect such plan”, and the last completed Comprehensive Plan in Brookline was done in 2005; and

WHEREAS, several neighboring cities and towns have either finished or are starting the process to develop comprehensive plans to inform potential zoning reform, such as Somerville (Somervision 2040), Boston (Imagine Boston 2030), Medford (Medford 2030) and Cambridge (Cambridge Envision 2018);

NOW THEREFORE BE IT:

RESOLVED, that the Select Board, in consultation with the Director of Planning and Community Development, appoint a Planning Process Study Committee to work with the Planning Department and other Town staff to develop a work program, budget, and scope for an inclusive, community-driven planning and zoning reform process; and

FURTHER RESOLVED, that the Select Board appointed Planning Process Study Committee seek input and be informed by a full spectrum of stakeholders, including but not limited to: marginalized communities, subsidized housing residents, non-profits, faith-based organizations, business interests, neighborhood associations, Brookline residents with professional expertise in planning and zoning, as well as, advocacy groups for affordable housing, historic preservation, climate action and resiliency, green space, parks and open space, active and public transportation, and senior citizens; and

FURTHER RESOLVED, that the Planning Process Study Committee shall endeavor to (i) examine the 2005 Comprehensive Plan with a view towards determining how a future comprehensive plan could be more effective, and (ii) devise a planning process that will develop a shared fact base of existing conditions, develop demographic and land-use projections, analyze possible land-use scenarios, inventory infrastructure and future infrastructure needs, identify Town service and facility usage metrics and capacities, develop a statement of town-wide values

and goals with metrics, and generally complete the analysis necessary to identify potential impacts from contemplated land-use scenarios; and

FURTHER RESOLVED, that the Planning Process Study Committee contemplate the potential application of progressive planning and zoning tools such as form-based zoning, environmental performance standards, green infrastructure, and placemaking; and

FURTHER RESOLVED, that the Planning Process Study Committee identify project work products that can help guide future zoning reform work, such as defining areas where development or redevelopment potential is appropriately supported, areas where public realm enhancements are needed, and areas or parcels that should be conserved; and

FURTHER RESOLVED, that the current corridor studies including Lower Boylston and the planned Upper Boylston study, the Fisher Hill study, the Housing Production Plan, the Climate Action Plan, and other ongoing planning studies will continue without impediment; and

FURTHER RESOLVED, that the Planning Process Study Committee should devise a community-based planning and zoning reform process that centers marginalized communities in its consideration of strategies and initiatives that provide greater equity in all realms of the built environment and to further environmental justice; and

FURTHER RESOLVED, that the Planning Process Study Committee should contemplate a community engagement strategy that incorporates the lessons learned from the engagement strategies of the Boylston Street/RT 9 Corridor Study and the Housing Production Plan and be designed with input from Brookline's Community Engagement Specialist; and

FURTHER RESOLVED, that the Select Board endeavors to seek and provide adequate funding to retain all necessary consultants and additional planning staff to successfully complete the work of Planning Process Study Committee and the implementation of its recommendations; and

FURTHER RESOLVED, the Planning Process Study Committee will provide a progress report and/or recommendations to the next Annual Town Meeting.

Approved: AYE: 219 NO: 2 ABSTAINED: 4

MOTION to dissolve special town meeting, duly seconded

Approved

[Meeting is dissolved December 1, 2021 at 10:14pm]