

WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING

Norfolk, ss

To any Constable of the Town of Brookline,

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 and the Town Meeting Members qualified to vote at Town Meetings, to meet at the High School Auditorium in said Brookline on WEDNESDAY, the SECOND day of JUNE, 2004, at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to acted upon and determined by the representative town meeting:

ARTICLE 1

To see if the Town will amend the Zoning By-law as follows:

- I. With respect to ARTICLE V DIMENSIONAL REQUIREMENTS, SEC. 5.06 – SPECIAL DISTRICT REGULATIONS, insert new subsections: 1. Purpose, 2. Establishment, 3. Procedures, and 4. Special Districts, with existing 1 through 3 converting to a., b. and c. under 4. Special Districts.**

SECTION 5.06 – SPECIAL DISTRICT REGULATIONS

1. Purpose

The following Special District Regulations recognize that unique land use, environmental, architectural and other physical conditions present within the Town may require detailed neighborhood, district or site planning and design review to insure: orderly and planned growth and development; historic and natural resource conservation; residential neighborhood preservation; economic viability of commercial areas; and concurrent planning for transportation, infrastructure and related public improvements. To insure that the dimensional and related requirements of the Zoning By-Law address these unique conditions, Town Meeting, from time to time, in accordance with MGL Chapter 40 A, may establish Special District Regulations and the Board of Appeals may consider applications for Special Permits based on those regulations.

2. Establishment

The establishment of Special District Regulations shall be based on one or more of the following:

- a. A study of land use, building, environmental, economic, architectural, design or other physical features of an area or district that defines the conditions and purposes supporting

the establishment of Special District Regulations and the geographic area that will be subject to the regulations.

- b. The Comprehensive Plan, neighborhood or commercial area plan that defines an area where Special District Regulations should be applied.
- c. A conceptual or schematic design plan for one or more parcels of land or buildings within a district that will benefit from Special District Regulations.

3. Procedures

Applicants for Special Permits, subject to Special District Regulations, shall submit to the Board of Appeals the supporting studies and plans defined by Section 5.06.2. These plans or studies, which serve as the underlying basis for establishing Special District Regulations, will also serve as the basis for the Special Permit findings of the Board of Appeals, along with the standards under Section 5.09.4. Community and Environmental Impact and Design Standards and Section 9.05.1. Conditions for Approval of Special Permit.

4. Special Districts [insert present sections 5.06 1-3 as subsections a, b and c]

II. With respect to a ZONING MAP CHANGE

- 1. Change the G-2.0 (VS) zoning district on the zoning map to GMR-2.0.

III. With respect to ARTICLE III, ESTABLISHMENT OF ZONING DISTRICTS, SECTION 3.01 – CLASSIFICATION OF DISTRICTS

- 1. Change 2. c. to read General Business (G) and General Business and Medical Research (GMR)
- 2. Replace 2.c.7 to read GMR -2.0 (Refer to Sec. 5.06, Special District Regulations)

IV. With respect to ARTICLE V. DIMENSIONAL REQUIREMENTS, SECTION 5.01 TABLE OF DIMENSIONAL REQUIREMENTS, add a new line in the Table after G-2.0 for the new district GMR- 2.0 as follows:

SECTION 5.01 TABLE OF DIMENSIONAL REQUIREMENTS							PBI ¹¹		MINIMUM YARD ³ (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	PBI ¹¹ NB ONLY	LOT WIDTH MINIMUM (feet)	HEIGHT ⁹ MAXIMUM	B	NB	Front ^{1,6}	Side ²	Rear	Landsc.	Useable ¹³
GMR-2.0	Any Structure or principal use (dwelling-footnote 5)	none ⁴	2.0 4.0 ¹⁷	2.5 N/A	none ⁴	45 125 ¹⁷	60 N/A	100 N/A	none	none ⁷	10 + $\frac{L^8}{10}$	none	none ⁵

Insert the following new footnote 17 after the Floor Area Ratio Maximum and Height Maximum permitted within the GMR-2.0 District, as shown in the above revised Section 5.01, TABLE OF DIMENSIONAL REGULATIONS and in the footnote section below the table.

17. See SECTION 5.06 – SPECIAL DISTRICT REGULATIONS, 4. **General Business and Medical Research (GMR)**

V. **With respect to ARTICLE V - DIMENSIONAL REQUIREMENTS, SECTION 5.06, SPECIAL DISTRICT REGULATIONS add a new paragraph d. under Special Districts, to read as follows:**

d. General Business and Medical Research (GMR)

- 1) All applications for new structures, outdoor uses, and exterior alterations or additions in the GMR-2.0 District **which exceed a floor area ratio of 2.5 or a height of 100 feet shall be permitted only on a lot no less than 50,000 square feet and no greater than 65,000 square feet in area and** shall be subject to the requirements of § 5.09, Design Review, obtain a special permit per § 9.03, and meet the following requirements.
 - a) The maximum height shall not exceed 125 feet and the maximum gross floor area ratio shall not exceed 4.0.
 - b) no less than **25%** of the Lot Area shall be devoted to landscaped open space.
 - c) no less than 60% of the parking spaces required by the Board of Appeals shall be provided completely below grade.
 - d) no less than 25% of the provided parking spaces shall be offered to residents for overnight parking.
 - e) no less than 1% of the hard construction costs of constructing a building on a Lot (exclusive of tenant fit-up) shall be devoted to making off-site streetscape improvements (such as, but not limited to, lighting, street furniture and widening sidewalks) and undertaking transportation mitigation measures. A plan of the proposed off-site streetscape improvements and a description of the proposed transportation mitigation measures shall be submitted for the review and approval of the Planning Board or its designee.
- 2) The parking requirements for applications in the GMR-2.0 District in light of the proximity to rapid public transit shall be as follows:
 - a) **retail use:** one parking space per 350 g.s.f. of floor area
 - b) **office use:** one parking space per 600 g.s.f. of floor area
 - c) **research laboratory use (Use 36B):** one parking space per 1,000 g.s.f.
 - d) The number of parking spaces for the above uses in a GMR-2.0 District may be reduced by **special permit**, however, by no more than 15%, where it can be demonstrated to the Board of Appeals that it is warranted due to provisions in a

Transportation Access Plan that includes recognized Transit Demand Management programs. A **Transportation Access Plan Agreement** shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and Community Development, and shall require an annual report to the Director of Transportation. This **annual report** shall be accepted only after a determination by the Director of Transportation and the Director of Planning and Community Development that the Transportation Access Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction.

- 3) A special permit granted under this section shall lapse within 2 years if a building permit is not issued and construction has not begun by such date except for good cause.

VI. With respect to ARTICLE IV, USE REGULATIONS, SECTION 4.07 – TABLE OF USE REGULATIONS:

Add a Principal Use 36B in SECTION 4.07 – TABLE OF USE REGULATIONS with the following:

Principal Uses	Residence				Business			Industry
	S	SC	T	M	L	G	0	I
<p>36B. Research laboratory for scientific or medical research, with a Biosafety Level of Level 1 or Level 2 as defined by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institutes of Health, provided the use is <u>located on a lot with no less than 50,000 square feet and no more than 65,000 square feet in area and is</u> operated in compliance with all town, state and federal health and safety regulations, and that thirty days prior to a Board of Appeals hearing on the use, and annually, a report detailing hazardous materials operations, processes, disposal and storage shall be reviewed and approved in writing by the Fire Chief and Director of Public Health and Human Services.</p> <p>* Permitted by Special Permit only in a GMR-2.0 District</p>	No	No	No	No	No	SP*	No	No

VII. With respect to ARTICLE V, DIMENSIONAL REQUIREMENTS, SECTION 5.21 – MAXIMUM FLOOR AREA REGULATIONS (PUBLIC BENEFIT INCENTIVES):

Insert “,GMR-2.0” in Table 5.02 after “G-2.0” in the heading of the third column.

VIII. With respect to ARTICLE V, DIMENSIONAL REQUIREMENTS, SECTION 5.32 – EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS (PUBLIC BENEFIT INCENTIVES):

Insert “,GMR-2.0” in paragraph 1 after “G-2.0”.

or act on anything relative thereto.

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 Selectmen FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the Town of Brookline at Brookline, Massachusetts, this _____ day of April, 2004.

BOARD OF SELECTMEN

A TRUE COPY, ATTEST:

RICHARD J. KELLIHER
TOWN ADMINISTRATOR

