

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 at the High School Auditorium in said Brookline on TUESDAY, the FOURTEENTH day of NOVEMBER, 2006 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, 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 therefore, and appropriate from available funds, a sum or sums of money therefore, or act on anything relative thereto.

ARTICLE 2

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

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2007 budget or transfer funds between said accounts;
- B) Appropriate \$950,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for remodeling, reconstructing, or making extraordinary repairs to Town Hall, including, but not limited to, those costs associated with relocating Town Hall operations;
- C) Appropriate \$209,079, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for work at the Pierce School, including the design for said work;

D) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

or act on anything relative thereto.

ARTICLE 4

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

(Please note that all proposed additions are underlined.)

1. By adding a new zoning district F-0.75 (“Three Family Zones”), replacing the existing zoning in the areas shown in the attached map.
2. By adding a new “F” heading under Section 4.07 (“Table of Use Regulations”) with the same use designations as the existing “T” column, with the exception of the uses listed in Principal Use 4A below.
3. By amending Section 4.07 (“Table of Use Regulations”) by adding a new Principal Use 4A immediately after Principal Use 4:

Principal Uses	S	SC	T	F	M	L	G	O	I
<u>4A. Detached dwelling on a separate lot for three families</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>

4. By amending Principal Use to read as follows:

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 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

5. By amending Section 5.01 (“Table of Dimensional Requirements”) by adding a new district F-0.75 immediately following T-5 as follows:

DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM (feet)	LOT WIDTH MAXIMUM (feet)	HEIGHT ⁹ MAXIMUM	Front Yard	Side Yard	Rear Yard	Open Space Landsc.	Open Space Usable
<u>F-0.75</u>	<u>1-family detached dwelling</u>	<u>4,000</u>	<u>0.75</u>	<u>60</u>	<u>40</u>	<u>15</u>	<u>10+ L'/10</u>	<u>30</u>	<u>10%</u>	<u>30%</u>
	<u>2-family detached</u>	<u>5,000</u>	<u>0.75</u>	<u>60</u>	<u>40</u>	<u>15</u>	<u>10+ L'/10</u>	<u>30</u>	<u>10%</u>	<u>30%</u>

Proposed to Change to F-0.75 Zoning District

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
35	170	170-14-00	1	10	AUBURN CT
35	170	170-05-00	9		AUBURN PL
35	170	170-08-00	10		AUBURN PL
35	170	170-07-00	14		AUBURN PL
35	170	170-06-00	15		AUBURN PL
34	169	169-25-00	15		AUBURN ST
34	169	169-26-00	17		AUBURN ST
34	169	169-27-00	21		AUBURN ST
34	169	169-28-00	23		AUBURN ST
35	170	170-13-00	24		AUBURN ST
34	169	169-29-00	27	29	AUBURN ST
34	169	169-30-00	31	33	AUBURN ST
35	170	170-10-00	32		AUBURN ST
34	169	169-17-00	37		AUBURN ST
35	170	170-09-00	40		AUBURN ST
34	169	169-31-00	45		AUBURN ST
35	170	170-04-00	48		AUBURN ST
6	027	027-21-00	177		BABCOCK ST
6	027	027-22-00	179		BABCOCK ST
6	027	027-23-00	183		BABCOCK ST
6	027	027-24-00	187		BABCOCK ST
6	027	027-25-00	189		BABCOCK ST
6	027	027-26-00	191		BABCOCK ST
8	043	043-09-00	1232		BEACON ST
8	043	043-10-00	1236		BEACON ST
8	043	043-11-00	1240		BEACON ST
8	043	043-12-00	1244		BEACON ST
8	043	043-12-00	1244		BEACON ST
8	043	043-13-00	1248		BEACON ST
7	035	035-35-00	74		BROWNE ST
7	036	036-18-00	77		BROWNE ST
7	035	035-34-00	78		BROWNE ST
7	035	035-33-00	80		BROWNE ST
7	035	035-32-00	82		BROWNE ST
7	036	036-19-00	83		BROWNE ST
7	035	035-31-00	84		BROWNE ST
7	036	036-20-00	85		BROWNE ST
7	035	035-30-00	86		BROWNE ST
7	036	036-21-00	87		BROWNE ST
7	035	035-29-00	88		BROWNE ST
7	035	035-28-00	90		BROWNE ST
7	035	035-27-00	92		BROWNE ST
7	035	035-26-00	94		BROWNE ST
7	035	035-25-00	96		BROWNE ST
7	035	035-24-00	100		BROWNE ST
7	036	036-22-00	101		BROWNE ST

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
7	035	035-23-00	102		BROWNE ST
7	036	036-23-00	103		BROWNE ST
7	036	036-24-00	105		BROWNE ST
7	035	035-22-00	106		BROWNE ST
7	036	036-25-00	107		BROWNE ST
7	035	035-21-00	110		BROWNE ST
7	036	036-26-00	111		BROWNE ST
7	035	035-20-00	112		BROWNE ST
7	036	036-27-00	115		BROWNE ST
7	035	035-19-00	116		BROWNE ST
7	036	036-28-00	119		BROWNE ST
7	035	035-18-00	120		BROWNE ST
7	036	036-29-00	121		BROWNE ST
7	035	035-17-00	124		BROWNE ST
7	036	036-30-00	125		BROWNE ST
7	035	035-16-00	126		BROWNE ST
7	036	036-31-00	127		BROWNE ST
16	083	083-06-00	30		CENTRE ST
16	083	083-05-00	32		CENTRE ST
16	083	083-04-00	34		CENTRE ST
16	083	083-03-00	40		CENTRE ST
16	082	082-21-00	51		CENTRE ST
16	082	082-22-00	53		CENTRE ST
16	082	082-23-00	61		CENTRE ST
16	080	080-04-00	62		CENTRE ST
16	081	081-06-00	69		CENTRE ST
16	081	081-07-00	75		CENTRE ST
15	078	078-09-00	85	89	CENTRE ST
15	078	078-12-00	93		CENTRE ST
15	078	078-13-00	95		CENTRE ST
15	078	078-14-00	97		CENTRE ST
15	078	078-15-00	103	105	CENTRE ST
6	027	027-07-00	7	9	CRAIG PL
6	027	027-08-00	11	13	CRAIG PL
6	027	027-08-02	15		CRAIG PL
6	027	027-08-01	17	19	CRAIG PL
9	046	046-14-00	4		DWIGHT ST
9	046	046-13-00	8		DWIGHT ST
9	046	046-12-00	10		DWIGHT ST
7	035	035-44-00	15		DWIGHT ST
7	035	035-45-00	21		DWIGHT ST
7	035	035-46-00	25		DWIGHT ST
7	035	035-47-00	31		DWIGHT ST
7	035	035-48-00	33		DWIGHT ST
9	047	047-12-00	36		DWIGHT ST
7	035	035-49-00	37		DWIGHT ST
7	035	035-50-00	39		DWIGHT ST
7	035	035-51-00	41		DWIGHT ST
7	035	035-52-00	43		DWIGHT ST

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
7	035	035-53-00	45		DWIGHT ST
7	036	036-02-00	200		FREEMAN ST
7	036	036-01-02	202		FREEMAN ST
7	036	036-01-01	206		FREEMAN ST
7	036	036-01-00	208		FREEMAN ST
7	035	035-15-00	214	216	FREEMAN ST
7	035	035-14-00	218		FREEMAN ST
6	027	027-05-00	219		FREEMAN ST
6	027	027-06-00	221	223	FREEMAN ST
7	035	035-13-00	222		FREEMAN ST
12	063	063-21-00	127		FULLER ST
12	065	065-17-00	128		FULLER ST
12	065	065-16-00	130		FULLER ST
12	063	063-22-00	131		FULLER ST
12	065	065-15-00	134		FULLER ST
12	063	063-23-00	135		FULLER ST
12	063	063-24-00	137		FULLER ST
12	065	065-14-00	138		FULLER ST
12	065	065-13-00	140		FULLER ST
12	063	063-25-00	141		FULLER ST
12	065	065-12-00	142		FULLER ST
12	063	063-26-00	143		FULLER ST
12	063	063-27-00	147		FULLER ST
12	063	063-28-00	149		FULLER ST
12	063	063-29-00	153		FULLER ST
10	052	052-10-01	9		GIBBS ST
10	052	052-12-00	11		GIBBS ST
10	051	051-22-00	12	30	GIBBS ST
10	052	052-13-00	15		GIBBS ST
10	052	052-14-00	17		GIBBS ST
10	052	052-15-00	21		GIBBS ST
10	052	052-16-00	25		GIBBS ST
9	046	046-05-00	45	49	GREEN ST
9	046	046-06-00	55		GREEN ST
9	046	046-07-00	59		GREEN ST
9	046	046-08-00	63	65	GREEN ST
9	046	046-09-00	67	69	GREEN ST
9	046	046-10-00	71	73	GREEN ST
9	047	047-14-00	74		GREEN ST
9	046	046-11-00	81		GREEN ST
9	047	047-13-00	82		GREEN ST
34	168	168-02-00	11		HARRIS ST
34	169	169-22-00	12		HARRIS ST
34	169	169-21-00	16		HARRIS ST
34	168	168-03-00	17		HARRIS ST
34	168	168-04-00	19		HARRIS ST
34	168	168-05-00	21		HARRIS ST
34	169	169-20-00	22		HARRIS ST
34	168	168-06-00	23		HARRIS ST

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
34	169	169-19-00	24	26	HARRIS ST
34	169	169-18-00	28	30	HARRIS ST
34	168	168-07-00	31		HARRIS ST
34	169	169-16-00	42		HARRIS ST
34	169	169-15-00	44	46	HARRIS ST
34	168	168-08-00	49		HARRIS ST
34	169	169-14-00	50		HARRIS ST
34	168	168-09-00	57		HARRIS ST
35	171	171-23-00	54		HARVARD AVE
35	171	171-22-00	56		HARVARD AVE
35	171	171-21-00	60		HARVARD AVE
35	170	170-35-00	63		HARVARD AVE
35	171	171-59-00	66	68	HARVARD AVE
35	171	171-19-00	70		HARVARD AVE
35	170	170-36-00	71		HARVARD AVE
35	171	171-18-00	74		HARVARD AVE
8	043	043-15-00	0	OFF	JAMES ST
8	043	043-14-00	0		JAMES ST
8	043	043-16-00	9	11	JAMES ST
8	043	043-17-00	15	17	JAMES ST
8	043	043-18-00	19	21	JAMES ST
8	043	043-19-00	27	31	JAMES ST
9	046	046-02-04	9	27	JOHN ST
27	126	126-52-00	101		LONGWOOD AVE
27	126	126-52-01	103		LONGWOOD AVE
27	126	126-52-02	105		LONGWOOD AVE
27	126	126-53-00	111		LONGWOOD AVE
27	126	126-54-00	115		LONGWOOD AVE
27	126	126-54-01	121		LONGWOOD AVE
27	126	126-55-00	123		LONGWOOD AVE
12	063	063-07-00	88		NAPLES RD
12	063	063-06-00	90		NAPLES RD
12	063	063-05-00	94		NAPLES RD
12	063	063-04-00	96		NAPLES RD
12	063	063-03-00	100		NAPLES RD
12	063	063-02-00	102		NAPLES RD
12	063	063-01-00	106		NAPLES RD
8	043	043-31-00	60		PARKMAN ST
8	043	043-30-00	62		PARKMAN ST
8	043	043-29-00	64		PARKMAN ST
8	043	043-28-00	66		PARKMAN ST
8	043	043-27-00	68		PARKMAN ST
8	043	043-26-00	74		PARKMAN ST
8	043	043-25-00	76		PARKMAN ST
9	046	046-20-00	0		PLEASANT ST
8	043	043-20-00	57		PLEASANT ST
9	046	046-16-00	58		PLEASANT ST
8	043	043-21-00	59		PLEASANT ST
8	043	043-22-00	61		PLEASANT ST

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
9	046	046-15-00	62		PLEASANT ST
8	043	043-23-00	63		PLEASANT ST
8	043	043-24-00	65		PLEASANT ST
7	035	035-40-00	84		PLEASANT ST
7	035	035-39-00	88		PLEASANT ST
7	035	035-38-00	90		PLEASANT ST
7	035	035-37-00	92		PLEASANT ST
7	035	035-36-00	94		PLEASANT ST
7	036	036-17-00	104		PLEASANT ST
7	036	036-16-00	106		PLEASANT ST
7	036	036-15-00	112		PLEASANT ST
7	036	036-14-00	114		PLEASANT ST
7	036	036-13-00	116		PLEASANT ST
7	036	036-12-00	118		PLEASANT ST
7	036	036-11-00	120		PLEASANT ST
7	036	036-10-00	122		PLEASANT ST
7	036	036-09-00	128		PLEASANT ST
7	036	036-08-00	130		PLEASANT ST
7	036	036-07-00	132		PLEASANT ST
7	036	036-06-00	134		PLEASANT ST
7	036	036-05-00	136		PLEASANT ST
7	036	036-04-00	140		PLEASANT ST
7	036	036-03-00	142	144	PLEASANT ST
26	124	124-01-00	92		SEWALL AVE
16	081	081-04-00	9		SHAILER ST
16	082	082-25-00	10	12	SHAILER ST
16	081	081-05-00	15		SHAILER ST
26	125	125-24-00	123		ST PAUL ST
26	125	125-24-01	125		ST PAUL ST
26	125	125-24-02	129		ST PAUL ST
26	125	125-25-00	135		ST PAUL ST
26	125	125-01-00	143		ST PAUL ST
26	124	124-02-00	153		ST PAUL ST
26	124	124-03-00	159		ST PAUL ST
8	043	043-08-00	180		ST PAUL ST
8	043	043-07-00	182		ST PAUL ST
8	043	043-06-00	184		ST PAUL ST
8	043	043-05-00	194		ST PAUL ST
8	043	043-04-00	196		ST PAUL ST
8	043	043-03-00	198		ST PAUL ST
8	043	043-02-00	200		ST PAUL ST
8	043	043-01-00	202		ST PAUL ST
7	037	037-01-00	2	22	STILL ST
34	167	167-01-00	7		VERNON ST
34	168	168-15-00	12		VERNON ST
34	168	168-14-00	18		VERNON ST
34	168	168-13-00	22		VERNON ST
34	168	168-12-00	28	26	VERNON ST
34	168	168-11-00	32		VERNON ST

MAP	BLOCK	BLK_LOT_SU	Street Number		Street
34	168	168-10-00	36		VERNON ST
34	169	169-13-00	42		VERNON ST
34	169	169-12-00	44	46	VERNON ST
35	170	170-12-00	1		WASHBURN PL
35	170	170-10-01	2		WASHBURN PL
35	170	170-11-00	3		WASHBURN PL
35	170	170-10-02	4		WASHBURN PL
16	083	083-01-00	6		WELLMAN ST
16	080	080-05-00	9		WELLMAN ST
16	083	083-21-00	10		WELLMAN ST
16	080	080-06-00	11		WELLMAN ST
16	083	083-20-00	12		WELLMAN ST
16	083	083-19-00	14		WELLMAN ST
16	080	080-07-00	15		WELLMAN ST
16	081	081-10-00	12		WILLIAMS ST
16	081	081-09-00	16		WILLIAMS ST
16	081	081-08-00	24		WILLIAMS ST
16	080	080-16-00	46		WILLIAMS ST
16	080	080-15-00	48		WILLIAMS ST
16	080	080-14-00	50		WILLIAMS ST
16	080	080-08-00	35	37	WINCHESTER ST
16	080	080-09-00	43		WINCHESTER ST
16	080	080-10-00	47		WINCHESTER ST
16	080	080-11-00	49		WINCHESTER ST
16	080	080-11-00	49		WINCHESTER ST
16	080	080-12-00	51		WINCHESTER ST
16	080	080-12-00	51		WINCHESTER ST
16	080	080-13-00	53		WINCHESTER ST
15	079	079-04-00	67		WINCHESTER ST
15	079	079-05-00	71	73	WINCHESTER ST

Proposed to Change to T-5 Zoning District

MAP	BLOCK	BLK_LOT_SU	Street Number	Street
15	078	078-18-00	123	CENTRE ST
15	078	078-19-00	129	CENTRE ST
15	077	077-14-00	38	FULLER ST
15	078	078-20-00	39	FULLER ST
15	077	077-13-00	44	FULLER ST

ARTICLE 5

To see if the Town will amend Section 5.43 of the Zoning By-Law as follows:
(Please note that all proposed additions are underlined. Proposed deletions are ~~strikeout~~.)

SECTION 5.43 EXCEPTIONS TO YARD AND SETBACK REGULATIONS

Under a special permit after a hearing the Board of Appeals may permit, in lieu of the requirements for yards or setbacks specified in this By-law, the substitution of such other dimensional requirements as shall assure the same standard of amenity to nearby properties as would have been provided by compliance with the regulations of the By-law, as measured by off-setting a reduction in the depth or area of a required yard or setback by an increase in the depth or area of another yard or setback or by the provision ~~or preservation of a condition or a facility not otherwise required that will counterbalance such a reduction; provided, however, that under this Section the Board of Appeals shall not reduce the depth of a required front yard below 15 feet in M Districts.~~ of a significant green space, located at and visible from street level, that would counterbalance such a reduction, but that would not otherwise be possible given the existing yard and setback regulations. However, in the S, SC, T, M and F districts, the Board of Appeals shall not use this Section to reduce the depth of a required front yard below 15 feet or a required side yard below 7.5 feet.

or act on anything relative thereto.

ARTICLE 6

To see if the Town will amend the Zoning By-Law by deleting section 3.03.4 (f) and replacing it with the following:

- f. length of time, not greater than twelve months, from the date of passage by Town Meeting, for which the district will be effective and for the completion of the supporting study necessary to submit Zoning By-Law and Map amendments for consideration by Town Meeting. If, following a twelve month period, work on Zoning By-Law and Map amendments is not complete despite the diligent efforts of all parties, Town Meeting shall have the option of extending an Interim Planning Overlay District for an additional six months.

and,

further amend Article 3.03 of the Zoning By-Law by deleting Section 3.03.6 (f) and replacing it with the following:

- f. The CCIPOD will be effective for a period of eighteen months following its adoption by Town Meeting. While some zoning changes have been submitted to the Fall 2006 Town Meeting, as anticipated, the Coolidge Corner District Planning Council believes that an additional six months are required to complete the zoning work as part of its charge.

or act on anything relative thereto.

ARTICLE 7

To see if the Town will amend the Zoning By-Law by adopting the following zoning map change:

By rezoning a portion of the southeast side of the parcel located at 1040 West Roxbury Parkway, Block 373, Lot 06, from S-7 to L-0.5 or to act on anything

relative thereto. Said parcel and the proposed zoning change are more particularly set forth in the attached property description and Zoning Exhibit Plan dated August 16, 2006.

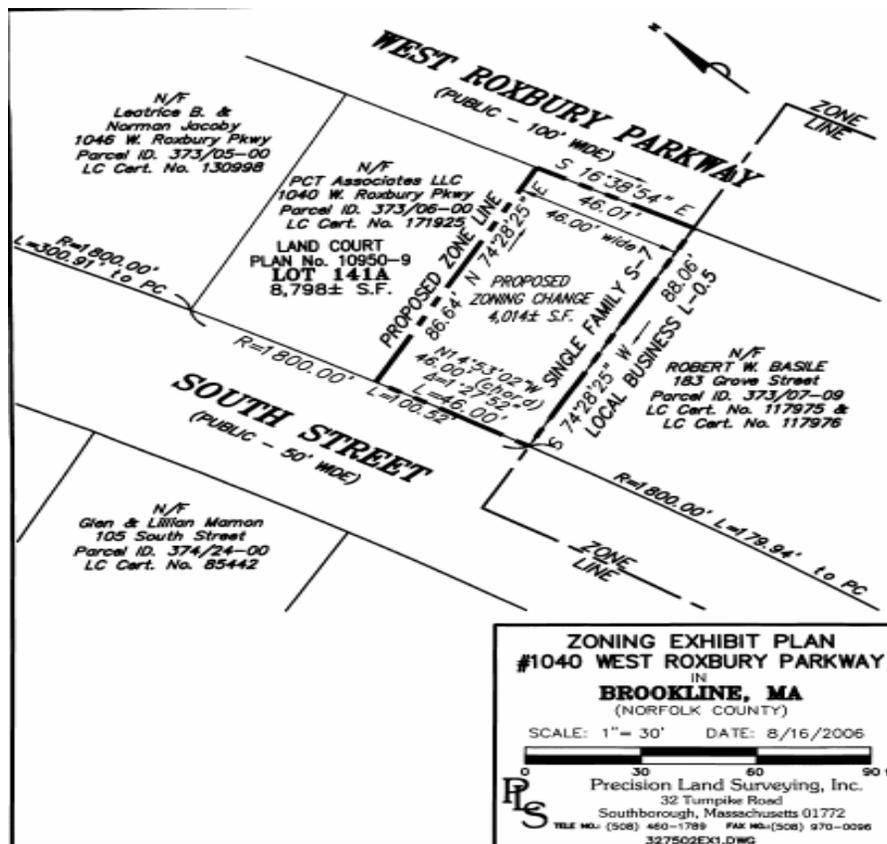
Proposed Zoning Change
#1040 West Roxbury Parkway
Brookline, MA

A Certain Parcel of land located in the Commonwealth of Massachusetts, County of Norfolk, Town of Brookline, situated on the westerly sideline of West Roxbury Parkway and the easterly sideline of South Street, and is shown as "PROPOSED ZONING CHANGE, 4,014 ± S.F." on "ZONING EXHIBIT PLAN, #1040 WEST ROXBURY PARKWAY, IN BROOKLINE, MA, (NORFOLK COUNTY) BY Precision Land Surveying, Inc. DATE: 8/16/2006", more particularly bounded and described as follows:

Beginning at a point on the westerly sideline of West Roxbury Parkway, said point being the most easterly corner of the parcel; thence running

- S 74°28'25" W 88.06' by the southerly sideline of Lot 141A as shown on Land Court Plan No. 10950-9, now or formerly of PCT associates, LLC to a point on the easterly sideline of South Street; thence turning and running.
- NORTHERLY 46.00' by a curve to the left having a radius of 1,800.00', by the easterly sideline of South Street to a point; thence turning and running.
- N 74°28'25" E 86.64' by a line that is 46.00' northerly of and parallel to the first course described above to a point on the westerly sideline of West Roxbury Parkway; thence turning and running.
- S 16°38'54" E 46.01' by the westerly sideline of West Roxbury Parkway to the POINT OF BEGINNING.

Containing 4,014 Square feet more or less.



or act on anything relative thereto.

ARTICLE 8

To see if the Town will amend Article 6.01, paragraph 4 of the Zoning By-Law as follows:

Please note that all proposed amendments appear in **bold** and are **underlined**. Proposed deletions are [bracketed].

6.01 - GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES

4. All required parking facilities shall be provided and maintained so long as the use exists which the facilities were designed to serve. Off-street parking facilities shall not be reduced in total extent after their provision, except when such reduction is in conformity with the requirements of this Article. Reasonable precautions shall be taken by the owner or sponsor of particular uses to assure the availability of required facilities to the employees or other persons whom the facilities are designed to serve. Required parking spaces shall not be assigned to specific persons or tenants nor **licensed,** rented, [or] leased, **conveyed or otherwise set apart** so as to render them in effect unavailable to the persons whom the facilities are designed to serve[.], **or so as to have the effect of reducing the number of spaces actually available for a particular use to less than the number of spaces required by this Article for that use. In zoning districts of 1.5 and above, developments with at least 8000 square feet devoted to retail use (whether new developments or pre-existing developments that by new construction or other means attain or exceed such square footage) shall make at least 80% of the aggregate number of spaces required for that use available to customers, clients or patrons of that retail use.** Such facilities shall be designed and used in such a manner as at no time to constitute a nuisance, or a hazard, or unreasonable impediment to traffic.

or act on anything relative thereto.

ARTICLE 9

To see if the Town will amend Article V of the Zoning By-Law as follows:

(Please note all deleted language is in brackets [] and additional language is in bold and underlined)

Article V ____ (Zoning)

Amend Article V, Table 5.01 (Table of dimensional requirements) Add a new Footnote number 18 to the top of the "Minimum Yard" column on page 5-4 after footnotes 3 and 10. The proposed Footnote 18 at the bottom of the page after Footnote 17, is as follows: In S and T Zones, the following setbacks shall apply in cases of new construction on lots

on which a structure was demolished and the new structure will not be built o the previous building's footprint: Front 25'; sides 30'; back 40.'

or act on anything relative thereto.

ARTICLE 10

To see if the Town will amend the Zoning By-Law, Section 5.09, Design Review, Paragraph 2, Scope, first sentence, as follows (proposed additions shown in bold and underlined, proposed deletions shown in bold and in square brackets):

In the following categories all new structures and outdoor uses, exterior alterations, exterior additions, and exterior changes, **including demolitions**, which require a **[building]** permit **from the Building Department** under the Building Code, shall require a special permit subject to the community and environmental impact and design review procedures and standards hereinafter specified.

or act on anything relative thereto.

ARTICLE 11

To see if the Town will amend its Zoning By-law by changing all lots within Block 135, and to the centerlines of the surrounding streets, i.e. Washington Street, Brookline Avenue, and River Road. designated in the 1986 Atlas of the Town of Brookline on Plate 29, now zoned I-1.0 to the new zoning designation of G-1 .O,

or act on anything relative thereto.

ARTICLE 12

To see if the Town will accept the provisions of Massachusetts General Laws Chapter 32, Section 20(6)(a) that provides for the members of the Retirement Board to receive a stipend of \$3,000.00 per annum to be paid from the funds of the Retirement Board. The statute specifically provides as follows:

The elected and appointed members of any city, town, county, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of three thousand dollars per annum; provided, however, that said stipend shall be paid from such funds under the control of said board as shall be determined by the public employee retirement administration; and, provided further, that the ex-officio member of any city, town, county, district or authority retirement board upon the acceptance of the appropriate legislative body shall receive a stipend of not more than three thousand dollars per annum in the aggregate for services rendered in the active administration of the retirement system.

or act on anything relative thereto.

ARTICLE 13

To see if the Town will, in accordance with G.L. c. 40, section 4A, authorize the Brookline Department of Public Health and the Director of Health and Human Services, with the approval of the Board of Selectmen, to enter into an inter-municipal agreement with one or more other governmental units to provide public health services which the Brookline Department of Public Health is authorized to perform; in accordance with an Inter-Municipal Aid Agreement to be entered into by the Town and various other governmental units,

or act on anything relative thereto.

ARTICLE 14

To see if the Town will amend the General By-Laws by adding the following article:

Article 8.28

The Brookline Health Department’s authorized personnel shall only administer Flu Shots, vaccines and immunizations to town employees and residents that are 100% Thimerosal free, and are free of all other toxins or substances, the introduction of which have been documented through credible scientific study to cause significant risk to human health.

or act on anything relative thereto.

ARTICLE 15

To see if the Town will amend the language in the first sentence of the first paragraph of Section 2.1.11 of the General By-Laws as follows:

By deleting the language appearing in brackets and adding the underlined language as follows:

[Fifteen minutes before the scheduled beginning] After the beginning of the first or opening session of any annual or special Town Meeting, except for a Special Town Meeting within the Town Meeting, the Town Meeting Members who so desire shall be given the opportunity, prior to the consideration of any warrant articles, to recite the pledge of allegiance to the flag of the United States Of America and to sing the National Anthem.

or act on anything relative thereto

ARTICLE 16

To see if the town will amend the by-laws section 2.1.5 of the General By-Laws as follows:

By amending Section (A) changing notification from seven days before the Annual Town Meeting to fourteen days before the Town Meeting.

By amending the last sentence of Section (B) to read as follows: The requirements provided in this subsection (B) shall be deemed to be a part of the legal notification of such meeting or the legal service of such warrant.

Add a new Section (C) In the event notices provided for in Sections (A) and (B) above are not complied with, except for declared State or Federal emergencies, the notice periods shall be reduced to 10 days and where a majority vote is required to adopt an Article, the adoption requirements shall increase to two thirds. Where the requirements are a two thirds vote to adopt an Article, the requirement shall increase to an 80% vote for adoption.

or act on anything relative thereto.

ARTICLE 17

To see if Town Meeting will amend the first sentence of ARTICLE 2.5 of the General By-Laws as follows:

Section 2.5.1 SPECIAL COMMITTEE REPORTS

All special committees, including Moderator's committees created by a vote taken at Town Meeting [or the Moderator] shall, within 280 days following the vote, make a report of their findings and submit recommendations by filing a signed copy thereof with the Town Clerk.

or act on anything relative thereto.

ARTICLE 18

To see if the Town will amend Article 3.1 of the Town's By-Laws – Board of Selectmen – by adding the following section:

SECTION 3.1.7 CAMPAIGNS FOR OFFICE

(A) Definitions

- (1) As used herein, the term “person” shall refer to any natural person, firm, corporation, partnership, union, association, organization, political committee or campaign, governmental entity, trust, educational institution, financial institution, or any other entity, however constituted.
- (2) As used herein, the term “relative” shall refer to a parent, step-parent, parent-in-law, child, step-child, child-in-law, sibling, step-sibling, half-sibling, sibling-in-law, or spouse.
- (3) As used herein, the term “Chapter 55” shall refer to Chapter 55 of the Massachusetts General Laws and those regulations promulgated pursuant thereto, as the same may be amended from time to time.

- (4) As used herein, the terms “candidate,” “candidate’s committee,” “contribution,” and “expenditure” shall have the same meanings ascribed to such terms in Chapter 55, unless the context in which such term is used indicates otherwise.
- (5) As used herein, the term “State Campaign Finance Report” shall refer to a report required to be filed by a candidate or candidate’s committee under Chapter 55.
- (6) Should any ambiguity arise regarding any term not expressly defined herein, that term shall be construed consistently with the manner in which such term is used in Chapter 55, unless the context in which such term is used herein indicates otherwise.

(B) Campaign Finance Reports

On or before the fifteenth day preceding the Annual Town Election, and at the time of filing any State Campaign Finance Report, each candidate for the office of Selectman shall file with the Town Clerk a Town Campaign Finance Report on a form prescribed by and made available to candidates by the Town Clerk. The reporting period applicable to the Town Campaign Finance Report filed on or before the fifteenth day preceding the Annual Town Election shall begin on the same date as the reporting period applicable to the State Campaign Finance Report required to be filed on or before the eighth day preceding the Annual Town Election. The reporting period applicable to the Town Campaign Finance Report filed on or before the fifteenth day preceding the Annual Town Election shall end on the tenth day preceding the last day for filing such report. The reporting period for each other Town Campaign Finance Report shall be the same as that required for the corresponding State Campaign Finance Report. The Town Campaign Finance Report filed on or before the fifteenth day preceding the Annual Town Election shall be substantially in such form and contain such information as that required to be provided on the State Campaign Finance Report that must be filed on or before the eighth day preceding the Annual Town Election. Each other Town Campaign Finance Report shall be substantially in such form and contain such information as that required to be provided on the corresponding State Campaign Finance Report. Each Town Campaign Finance Report shall additionally contain the following information:

- (1) the full name, listed alphabetically, of each person whose contribution or aggregate contributions within the reporting period equal an amount or value greater than fifty dollars but less than two hundred dollars, together with the aggregate amount of each such person’s contributions and the occupation and the name of the employer or employers of each such person; provided, however, that no candidate shall be required to include such occupation and employer if said candidate or a candidate’s committee organized on his or her behalf has been unable to obtain such information after requesting it when soliciting a contribution and making one additional written request.
- (2) the total number of persons who have made a contribution in the reporting period but whose aggregate contributions within the reporting period equal an amount or value of fifty dollars or less; and

- (3) the full name of each person whose aggregate contributions within the reporting period equal an amount or value of more than fifty dollars and who is a relative of the candidate, as well as the aggregate amount of each such relative's contributions within the reporting period.

(C) Publication of Campaign Finance Reports

Each campaign finance report filed with the Town Clerk pursuant to Chapter 55 and this By-Law shall be posted by the Town Clerk on the Town website within two business days after the date of its filing.

(D) Provision of Information by the Town Clerk

The Town Clerk shall provide each candidate for the office of Selectman with a copy or written summary of the requirements and restrictions pertaining to campaigns for the office of Selectman prescribed by Chapter 55 and this By-Law. Said copy or written summary shall state that the requirements, restrictions, and other provisions of this By-Law are additional to those of Chapter 55 and to any other applicable provisions of the constitutions, laws, and regulations of the United States and of the Commonwealth. Said copy or written summary shall be provided by the Town Clerk within the later of thirty days after the enactment of this Article or fourteen days after the filing of a statement of organization by a candidate's committee organized on behalf of such candidate pursuant to Chapter 55.

(E) Penalties for Noncompliance

For each day that a candidate is tardy in filing a Town Campaign Finance Report, the Town Clerk shall collect a fine from a candidate's committee organized on his or her behalf in an amount equal to one percent of the total amount or value of contributions received by the candidate and any candidate's committee organized on his or her behalf during the reporting period applicable to said Report. In the event that no such candidate's committee exists, such fine shall be collected from the candidate.

(F) Contribution Limits

- (1) No candidate for the office of Selectman or candidate's committee organized on his or her behalf shall accept an aggregate amount or value of more than two hundred and fifty dollars in contributions in any calendar year from any one person.
- (2) No candidate for the office of Selectman or candidate's committee organized on his or her behalf shall accept an aggregate amount or value of more than seventy-five dollars in contributions in any calendar year from any one person who is not domiciled within the Town.
- (3) Notwithstanding the foregoing, no candidate or candidate's committee organized on his or her behalf shall be in violation of this By-Law if a contribution in excess of the above contribution limits is accepted mistakenly,

not deposited in any bank account, and returned within seven days of its receipt to the person making the contribution.

(G) Committee on Campaigns

- (1) There shall be a Committee on Campaigns consisting of seven members: the Town Clerk or his designee; a member or designee of the Board of Selectmen; and five Brookline residents appointed by the Moderator for three-year staggered terms. No holder of or candidate for the office of Selectman shall be eligible for appointment by the Moderator to said committee. Should any individual vacate his office as committee member, the applicable appointing authority shall appoint another individual to fill his or her unexpired term.
- (2) The responsibilities of said committee shall include the following:
 - (a) analyzing information provided on campaign finance reports filed by candidates for Town office pursuant to Chapter 55 and this By-Law;
 - (b) publicly reporting such information and the results of such analysis;
 - (c) considering and recommending to Town Meeting measures that may be taken by the Town to improve upon this By-Law and ensure its effective implementation, and to establish a system of electronic reporting and accessible electronic posting of campaign finance information;
 - (d) considering additional measures that may be taken by the Town to improve the process by which Town officials are elected;
 - (e) receiving public comment concerning the process by which Town officials are elected;
 - (f) conducting public forums concerning the process by which Town officials are elected;
 - (g) providing vehicles for the publicizing information concerning candidates for Town office;
 - (h) working with local media to publicize information concerning elections and candidates for Town office;
 - (i) examining the relationship between campaign finance and appointments to Town boards, commissions, and offices; and
 - (j) examining the feasibility and potential parameters of a system of public financing with respect to campaigns for Town office.

(H) Interpretation

- (1) The requirements, restrictions, and other provisions set forth in this By-Law are intended to be in addition to all requirements, restrictions, and other provisions

set forth in Chapter 55 and other applicable provisions of the constitutions, laws, and regulations of the United States and of the Commonwealth.

- (2) The provisions of this By-Law are intended to be interpreted in such a way as to make them conformable to the constitutions and laws of the United States and of the Commonwealth and enforceable to the maximum extent permitted by law.

(I) Severability

Each provision of this By-Law shall be construed as separate to the extent that if any section, sentence, clause, or phrase is held to be invalid for any reason, the remainder of the By-Law shall continue in full force and effect.

or act on anything relative thereto.

ARTICLE 19

To see if the Town will amend Town by-law Article 5.3 of the General By-Laws of the Town of Brookline as follows:

[Please note that all proposed amendments appear in **bold underlined type**. Proposed deletions are ~~struck through~~.]

ARTICLE 5.3 DEMOLITION **DELAY** BY-LAW

SECTION 5.3.1 INTENT AND PURPOSE

This by-law is adopted to preserve and protect **Significant Buildings** within the Town which reflect distinctive features of the architectural, cultural, political, economic or social history of the Town and/or Commonwealth; to encourage property owners of **Significant Buildings** to seek ways to preserve, rehabilitate or restore such buildings rather than demolish them; and by furthering these purposes, to preserve the resources of the Town and promote the public welfare. To achieve these purposes, the Brookline ~~PRESERVATION~~ **Preservation** Commission ~~is empowered to direct~~ **and** the Building Commissioner **are empowered** with respect to the issuance of demolition permits as provided in this by-law.

SECTION 5.3.2 DEFINITIONS

The following terms when used in this by-law, shall have the meanings set forth below, unless the context otherwise requires:

a. "Applicant"- any person or entity who files an Application for a Demolition Permit.

~~f.~~ **b.** "Application" - an **A**pplication to the Building Department for a demolition permit.

~~a.~~ **c.** "Building" - any combination of materials having a roof and permanent foundation

and forming a shelter for persons, animals or property.

d. "Building Commissioner" - the person occupying the office of Building Commissioner or otherwise authorized to issue Demolition Permits.

~~i.~~ **e.** "Business Day" - a day which is not a legal municipal holiday, Saturday or Sunday.

~~e.~~ **f.** "Commission"- the Brookline ~~PRESERVATION~~ **Preservation** Commission or its successor.

~~d.~~ **g.** "Commission Staff" - the persons(s) regularly providing staff services for the Commission whom the Commission has designated Commission Staff for the purposes of this by-law.

h. "Demolition" - the act of pulling down, destroying, removing or razing a building **or a significant portion thereof, including removing one side of the building, removing the roof, removing 25% of the structure, gutting a significant public or communal (non-residential) interior space, the systematic removal, effacement, or destruction of the exterior architectural elements which define or contribute to the historic character of the building,** or commencing the work of **such** total or substantial destruction, **or moving a Building from its site for storage with no permitted new location for said Building.** "Demolition" as used herein shall be deemed to include **Demolition by Neglect.**

i. "Demolition by Neglect" - a process of ongoing damage to the fabric, viability and/or functionality of a building leading towards and/or causing its eventual demolition due to decay and/or structural failure and/or severe degradation over a period of time as a result of a general lack of maintenance, and/or failure to secure the building from pests or vandals, and/or failure to take reasonable measures to prevent the ingress of water, snow, ice, and wind through the roof, walls, or apertures.

~~g.~~ **j.** "Demolition Permit" - a **building** permit issued by the Building Commissioner **allowing** ~~for~~ the **total or partial** demolition of a building pursuant to an **A**pplication.

~~e.~~ **k.** "Initial **D**etermination_" - any determination contemplated in Section 5.3.5 of this by-law made by the Commission or its staff.

~~j.~~ **l.** "**Local** Historic District" - Cottage Farm **Local** Historic District, Pill Hill **Local** Historic District, **Graffam McKay Local Historic District, Chestnut Hill North Local Historic District, Harvard Avenue Local Historic District** or any other historic district which from time to time may be established under M.G.L. Ch. 40C.

m. "Mitigation" – actions taken to partially compensate for the demolition of a Significant Building, including without limitation: removal of the building to a new location; offering the building for removal to a new location; monetary support for same; incorporation of part or all of the building into a new building; submitting any replacement building to design review by the Commission; and recordation and

visual documentation of the existing building.

b. n. "Significant Building" - any **existing** building, **including without limitation any existing public or communal interior non-residential space substantially original to its building.** within the Town which the Commission determines, as provided in Section 5.3.5 AND 5.3.8 of this by-law, to be in the public interest to be preserved or rehabilitated, and whose demolition would be detrimental to the historical and/or architectural heritage and resources of the Town **or in the case of a building that has been demolished without a Demolition Permit any building which the Commission determines in a public hearing would have met said criteria.**

SECTION 5.3.3 PROCEDURE

General - No permit for the demolition of a building shall be issued other than in conformity with the provisions of this by-law, notwithstanding the provision of other codes and by-laws applicable to demolition of buildings and permits issued therefore, **except with respect to buildings in local Historic Districts for which MGL 40c and section 5.6 the Town's by-laws shall take precedence, where applicable.**

SECTION 5.3.4 APPLICATION

a. An **A**pplication to the Building Department for a **D**emolition **P**ermit shall be made or co-signed by the owner of record at the time of **A**pplication **and shall contain or be accompanied by the following information, without which it shall not be deemed complete:**

- i. The address of the building to be demolished.**
- ii. The owner's name, address and telephone number.**
- iii. A description of the type of building.**
- iv. The scope of the proposed demolition.**

b. A separate Application shall be made for each building on the property.

c. The Applicant shall deliver a copy of said Application to the Commission, and the submission of said copy shall be a precondition to completing an Application for a Demolition Permit to the Building Department.

SECTION 5.3.5 INITIAL DETERMINATION

Within ten **B**usiness **D**ays of the receipt of the **A**pplication by the Commission, the Commission **S**taff **in consultation with the Chair of the Commission,** shall make an **I**nitial **D**etermination as to whether the building falls into one or more of the categories listed as a **through d** of this section, and shall notify in writing the Commission, the Building Commissioner, Town Clerk, Planning Director ~~and~~ the owner of record as indicated on the **A**pplication **and the Applicant if different from owner of record,** of its initial determination. The categories shall be as follows:

- a. The building is located within any **L**ocal **H**istoric **D**istrict;
- b. The building is listed on or is within an area listed on the National or State Registers of Historic Places; is eligible for listing on the National or State Registers of historic places; or is a building for which a preliminary determination of eligibility has been made by the Massachusetts Historical Commission ~~or~~;

c. The building is associated with one or more significant historic persons or events, or with the broad architectural, cultural, political, economic, or social history of the Town or Commonwealth; or

d. The building is historically or architecturally significant in terms of its period, style, method of building construction, or its association with a significant architect or builder, either by itself or as part of a group of buildings.

SECTION 5.3.6 WITHHOLDING OF DEMOLITION PERMIT

The Building Commissioner shall ~~withhold not issue~~ a Demolition Permit until the procedural requirements of Sections 5.3.3 THROUGH 5.3.12, INCLUSIVE, have been satisfied unless:

a. The Building Commissioner receives written notice from the Commission Staff that the building does not fall into one or more of the categories in Section 5.3.5;

b. The Building Commissioner fails to receive written notice from the Commission Staff of its Initial Determination required by Section 5.3.5 within the specified time period; ~~or~~

c. The Building Commissioner receives written notice from the Commission Staff that while the building falls into one or more of the categories in Section 5.3.5, the building clearly could not be deemed significant by the Commission; or

d. The Building Commissioner receives written notice from the Commission Staff that the proposed demolition is limited to the systematic removal, effacement, or destruction of the exterior architectural elements which define or contribute to the historic character of the building and the building does not fall into category b of Section 5.3.5.

SECTION 5.3.7 PUBLIC HEARINGS

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

SECTION 5.3.8 FINAL DETERMINATION

If the Commission determines after a public hearing that a building is ~~significant~~ a **Significant Building** it shall notify the Building Commissioner, Town Clerk, Planning Director, and the owner of record as indicated on the Application, **and the Applicant if different from owner of record**, of its final determination within 15 Business Days from the date of the public hearing.

SECTION 5.3.9 EXTENDED WITHHOLDING OF DEMOLITION PERMIT

a. The Building Commissioner shall withhold the Demolition Permit for a period of one year, **or for a period of eighteen months if** ~~from the date upon which the final determination that the building~~ **meets the criteria of Section 5.3.5.b is, from the date**

upon which the final determination significant was made that a building is a Significant Building except as provided below in this section and in Section 5.3.11.

b. Notwithstanding Section 5.3.9.a, upon the expiration of the aforesaid withholding period, no permit for the demolition of a Significant Building shall be granted until all plans for future use and development of the site have been filed with the Building Commissioner and found to comply with all laws pertaining to the issuance of a building permit or, if for a parking lot, open space or other project not requiring a building permit, with all laws pertaining thereto. All approvals necessary for the issuance of such building permit or necessary for the development of the site if the project does not require a building permit, including without limitation any necessary zoning variances and/or special permits, must be granted and all appeals from the granting of such approvals must be concluded, prior to the issuance of a permit under this section, and, no Demolition Permit shall be granted without evidence that a contract has been entered into for the construction or development of the permitted project.

c. If the permitted future use or the described future use of all or any part of the footprint of a Significant Building in an Application for a Demolition Permit is for a parking lot or open space then, after demolition has been completed, no subsequent permit shall be issued for construction of a building in said permitted or described parking lot/open space portion of the footprint for a period of two years following the completion of said demolition.

d. If no Demolition Permit is issued within three years of the Commission's determination of significance and of the termination of any court action preventing the issuance of said permit, whichever period shall be longer, or if a Demolition Permit is issued but the building is not demolished before the expiration of said permit, including any extensions allowed by the Building Commissioner, then any subsequent Application for the demolition of the building shall be processed in accordance with sections 5.3.3. through 5.3.12 inclusive, without reference to any prior determination with respect to Significance.

SECTION 5.3.10 ALTERNATIVES TO DEMOLITION AND MITIGATION

If the Commission makes a final determination that the building is Significant, the Commission chairman and staff shall invite the owner of record of the building, the Building Commissioner, and the Planning Director to participate in an investigation of alternatives to demolition including but not limited to incorporation of the building into the future development of the site; adaptive reuse of the building; utilization of financial incentives to rehabilitate the building; seeking a new owner willing to purchase and preserve, restore or rehabilitate the building; ~~or~~ moving the building; **design review by the Commission of any replacement building; and recordation of the building with photographs and measured drawings.**

SECTION 5.3.11 EXCEPTIONS TO WITHHOLDING OF DEMOLITION PERMIT / EMERGENCY DEMOLITION

a. Notwithstanding the provisions of Section 5.3.9, the Building Commissioner may issue a Demolition Permit for a Significant Building at any time after receipt of written advice from the Commission to the effect that the Commission is satisfied that there is no

reasonable likelihood that the building can be preserved, restored, rehabilitated or moved, **the issuance of said permit being subject to such stipulations, if any, as the Commission and the Applicant may have agreed upon as Mitigation for said demolition.**

b. Nothing in this by-law shall restrict the Building Commissioner from immediately ordering the demolition of any building in the event of imminent danger to the public's safety or health due to deteriorated conditions. **Prior to such demolition** the structure shall be inspected by the Building Commissioner, and findings and reasons for immediate demolition shall be recorded in a written report, a copy of which shall be forwarded promptly to the Commission.

SECTION 5.3.12 NOTICE

Notice of any public hearing required by this by-law shall be given by the Commission to the owner of record; the Applicant for the demolition permit (if different from the owner of record); the immediate abutters to the subject property, the owners of land directly opposite on any public or private street, and abutters to the abutters within three hundred feet of the property line of the subject property as they appear on the most recent applicable tax list; to each elected Town Meeting member for the precinct in which the subject property is located; the Building Commissioner; Town Clerk; Planning Director; and to such other persons as the Commission may determine. The Commission may among other forms of notice require that the Applicant maintain on the subject building a notice, in a form designated by the Commission visible from the nearest public way, of any hearing upon the subject matter of such Application.

SECTION 5.3.13 ENFORCEMENT

The Building Commissioner shall institute any and all actions and proceedings as may be necessary and appropriate to obtain compliance with the requirements of this by-law or to prevent a violation or threatened violation thereof.

SECTION 5.3.14 ~~CERTIFICATE OF SIGNIFICANCE~~ **ADMINISTRATION**

The Commission may from time to time adopt such rules and regulations as are necessary to administer the terms of this bylaw. There is hereby established a filing fee for a Certificate of Significance. The amount of the fee **for costs associated with the administration of this bylaw** shall be established, and may be amended from time to time, by the Board of Selectmen.

SECTION 5.3.15 NON-COMPLIANCE

Anyone who demolishes a Significant Building except pursuant to court order without complying fully with the provisions of this by-law shall be subject to a fine not to exceed \$300. Each day from the date of the commencement of demolition to the final determination by a court of competent jurisdiction shall constitute a separate offense. In addition, no building permit may be issued for such premises while such court action is pending, or ~~after~~ **within two years of** a judicial determination that there has been a violation of this by-law. Notwithstanding the foregoing, a building permit may be issued ~~two years after the completion of such demolition of a significant building, and a building permit may be issued~~ at any time for new construction **that** ~~which~~ would **faithfully** replicate the exterior of the demolished Significant Building structure, ~~including but not limited to~~ **Such replication shall be subject to prior review and approval by the**

Commission, whose review shall consider use of materials, design, dimensions, massing, arrangement of architectural features, ~~and~~ execution of decorative details, **and other relevant factors.** As used herein, premises refers to the parcel of land upon which the demolished building was located and all abutting parcels of land under common ownership or control on or subsequent to the date **that** this by-law was ~~voted~~ **adopted** by Town Meeting.

SECTION 5.3.16 SECURING BUILDINGS FROM DESTRUCTION AFTER INITIAL DETERMINATION OF SIGNIFICANCE

If, a) following an Application for a demolition permit for a building for which the Commission Staff has made an Initial Determination of significance or b) following notification to the owner of a hearing for Demolition by Neglect of a building under Section 5.3.17, or c) during the period of demolition delay for a building determined to be significant, or d) during a period when a building has been determined to be undergoing Demolition by Neglect under Section 5.3.17, the building is demolished or destroyed as a result of fire or other cause a rebuttable presumption shall arise that the owner voluntarily demolished the building without obtaining a demolition permit in accordance with the provisions of this ordinance and Section 5.3.15 shall be deemed applicable. In such cases, the Building Commissioner shall not issue any permit required under the State Building Code for such premises (except as necessary to secure public safety or health) for a period of two years from the date of destruction of the building or structure, unless the owner can provide evidence satisfactory to the Building Commissioner that the owner took reasonable steps to secure the building against fire or other loss or that the cause of the destruction was not otherwise due to the owner's negligence. As used herein, premises refers to the parcel of land upon which the demolished building was located and all abutting parcels of land under common ownership or control on or subsequent to the date this clause of this by-law was voted by Town Meeting.

SECTION 5.3.17 DEMOLITION BY NEGLECT

a. If the Commission Staff has reason to believe, through visual inspection or other means, that a building which it believes falls into one or more of the categories listed as a through d of Section 5.3.5, may be undergoing Demolition by Neglect, then the Commission shall notify the Building Commissioner and the owner and the Commission and the Building Commissioner shall jointly hold a public hearing to i) confirm whether or not the building is significant which shall require a vote of the Preservation Commission only and ii) determine whether or not it is undergoing Demolition by Neglect which shall require a vote of the Preservation Commission and the concurrence of the Building Commissioner. In furtherance of determining its condition, the Commission may, at any time, request an inspection of the building by the Building Commissioner.

b. If the Commission and Building Commissioner both determine that the building is undergoing Demolition by Neglect, the Commission and the Building Commissioner shall attempt to negotiate a voluntary agreement with the owner for appropriate and timely repairs sufficient to structurally stabilize the building and/or prevent further deterioration.

c. In the event that the Commission and the Building Commissioner both determine that they are not able to negotiate such an agreement with the owner, for any reason, or that the owner has agreed to undertake but has failed to satisfactorily complete such repairs in a timely manner, then the Commission and the Building Commissioner may take such action as is permitted under Sections 5.3.13 and/or 5.3.15, including seeking a court order that specific repairs be undertaken to secure the building against the elements, vandals, and vermin, to halt further deterioration, and to stabilize it structurally.

d. Upon completion of all repairs that have been agreed upon between the owner and the Commission and Building Commissioner or that have been ordered by the Commission and Building Commissioner, or that have been ordered by the court, and upon certification by the Building Commissioner that said repairs have been completed and that the building has no current building code violations, the Commission shall certify that the building is no longer undergoing Demolition by Neglect.

SECTION ~~5.3.16~~ **5.3.18** HISTORIC DISTRICTS

If any of the provisions of this by-law shall conflict with the Historic Districts Act, MG.L. Ch. 40C, the state statute shall prevail.

SECTION ~~5.3.17~~ **5.3.19** VALIDITY

The invalidity of any section or provision of this by-law shall not render invalid any other section or provision of this by-law.

or act on anything relative thereto.

ARTICLE 20

To see of the Town will amend the General By-Laws by deleting Article 8.5.9 Defacing Property and replacing it with the following:

Article 8.5.9 Defacing Property and Graffiti

8.5.9.1 DEFINITIONS

- (a) **Graffiti** means any unauthorized inscription, word, figure, painting or other defacement that is written, marked, etched, scratched, sprayed, drawn, painted, or engraved on or otherwise affixed to any surface of public or private property by any graffiti implement, to the extent that the graffiti was not authorized in advance by the owner or occupant of the property, or, despite advance authorization, is otherwise deemed a public nuisance by the Town.
- (b) **Graffiti implement** means an aerosol paint container, a broad-tipped marker, gum label, paint stick or graffiti stick, etching equipment, brush or any other device capable of scarring or leaving a visible mark on any natural or manmade surface.

8.5.9.2 PROHIBITED CONTACT

- (a) Defacement. It shall be unlawful for any person to apply graffiti to any natural or manmade surface on any town-owned property or, without the permission of the owner or occupant, on any non-town-owned property.
- (b) Possession of Graffiti Implements.
 - 1. By Minors at or Near School Facilities. It shall be unlawful for any person under the age of eighteen (18) years to possess any graffiti implement while on any school property, grounds, facilities, buildings, or structures, or in areas immediately adjacent to those specific locations upon public property, or upon private property without the prior written consent of the owner or occupant of such private property. The provisions of this Section shall not apply to the possession of broad-tipped markers by a minor attending or traveling to or from a school at which the minor is enrolled if the minor is participating in a class at the school that formally requires the possession of broad-tipped markers. The burden of proof in any prosecution for violation of this Section shall be upon the minor student to establish the need to possess a broad-tipped marker.
 - 2. In Designated Public Places. It shall be unlawful for any person to possess any graffiti implement while in or upon any public facility, park, playground, swimming pool, recreational facility, or other public building or structure owned or operated by the Town or while in or within fifty (50) feet of an underpass, bridge abutment, storm drain, or similar types of infrastructure unless otherwise authorized by the Town.

8.5.9.3 PENALTY

Any person violating this Bylaw shall be punished by a fine of three hundred dollars (\$300.00) for each offense.

8.5.9.4 GRAFFITI AS A NUISANCE

- (a) Existence of Graffiti. The existence of graffiti on public or private property in violation of this Bylaw is expressly declared to be a public nuisance and, therefore, is subject to the removal and abatement provisions specified in this Bylaw.
- (b) Removal of Graffiti
 - 1. Removal by the Perpetrator. Any person applying graffiti on public or private property shall have the duty to remove the graffiti within twenty-four (24) hours after notice by the Town or private owner of the property involved. Such removal shall be done in a manner prescribed by the Chief of Police, the Director of the Department of Public Works, or any additional Town department head, as authorized by the Board of Selectmen. Any person applying graffiti shall be responsible for the removal or for the payment of the removal. Failure of any person to remove graffiti or pay for the removal shall constitute an additional violation of this Bylaw. Where graffiti is applied by an unemancipated minor, the parents or legal guardian shall also be responsible for such removal or for the payment for the removal.

2. Removal by Town: Public Property. If graffiti found on public property is not removed by the perpetrator according to the Section above, the Town shall remove or otherwise remediate this graffiti.
3. Removal by Town: Private Property. When graffiti is found on private property, the property owner shall be served with a notice by first class mail containing the following information:
 - a. The street address and legal description of the property sufficient for identification of the property;
 - b. A statement that the property is a potential graffiti nuisance property with a concise description of the conditions leading to the finding;
 - c. A waiver authorizing the Town to remove the graffiti;
 - d. A statement that the property owner may choose to either sign and return the waiver within ten (10) days following receipt of the notice; or remove the graffiti within ten (10) days following receipt of the notice.

If the signed waiver is not received within ten (10) days, the Town may commence removal pursuant to the following provisions.

8.5.9.5 RIGHT OF THE TOWN TO REMOVE

- (a) Use of Public Funds. Whenever the Town becomes aware or is notified and determines that graffiti is located on publicly or privately owned property viewable from a public or quasi-public place, the Town shall be authorized to use public funds for the removal of the graffiti, or for the painting or repairing of the graffiti, but shall not authorize or undertake to provide for the painting or repair of any more extensive area than that where the graffiti is located, unless the Town Administrator, or the designee of the Town Administrator, determines in writing that a more extensive area is required to be repainted or repaired in order to avoid an aesthetic disfigurement to the neighborhood or community, or unless the property owner or responsible party agrees to pay for the costs of repainting or repairing the more extensive area.
- (b) Right of Entry on Private Property. Prior to entering upon private property or property owned by a public entity other than the Town for the purpose of graffiti removal the Town shall attempt to secure the consent of the property owner or responsible party and a release of the Town from liability for property damage or personal injury. If the Town has requested consent to remove or paint over the offending graffiti and the property owner or responsible party has refused consent for entry on terms acceptable to the Town and consistent with the terms of this Section, the Town shall commence abatement and cost recovery proceedings for the graffiti removal according to the provisions specified below.

8.5.9.6 ABATEMENT AND COST RECOVERY PROCEEDINGS

- (a) Notice of Due Process Hearing. The Town Administrator, or the designee of the Town Administrator, serving as the Hearing Officer, shall provide the property owner of record and the party responsible for the maintenance of the property, if a person different from the owner, not less than forty-eight (48) hours notice of the Town's intent to hold a due process hearing at which the property owner or responsible party

shall be entitled to present evidence and argue that the property does not constitute a public nuisance. Notice shall be served in the same manner as a summons in a civil action. If the owner of record cannot be found after a diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in the area in which the property is located.

- (b) Determination of Hearing Officer. The determination of the Hearing Officer after the due process hearing shall be final and not appealable. If, after the due process hearing, regardless of the attendance of the Owner or the responsible party or their respective agents, the Hearing Officer determines that the property contains graffiti viewable from a public or quasi-public place, the Hearing Officer shall give written notice in an eradication order that, unless the graffiti is removed within ten (10) days, the Town shall enter upon the property, cause the removal, painting over (in such color as shall meet with the approval of the Hearing Officer), or such other eradication thereof as the Hearing Officer determines appropriate, and shall provide the Owner and the responsible party thereafter with an accounting of the costs of the eradication effort on a full cost recovery basis.
- (c) Eradication Effort. Not sooner than the time specified in the order of the Hearing Officer, the Town Administrator, or the designee of the Town Administrator, shall implement the eradication order and shall provide an accounting to the Owner and the responsible party of the costs thereof.
 - 1. Cost Hearing. The Owner or responsible party may request a cost hearing before the Hearing Officer on the eradication accounting, and appropriate due process must be extended to the Owner or responsible party. If following the cost hearing or, if no hearing is requested, after the implementation of the eradication order, the Hearing Officer determines that all or a portion of the costs are appropriately chargeable to the eradication effort, the total amount set forth in the eradication accounting, or an amount thereof determined as appropriate by the Hearing Officer, shall be due and payable by the Owner or responsible party within thirty (30) days.
 - 2. Lien. As to such property where the responsible party is the property owner, if all or any portion of the assessed eradication charges remain unpaid after thirty (30) days, the portion thereof that remains unpaid shall constitute a lien on the property that was the subject of the eradication effort.

or act on anything relative thereto.

ARTICLE 21

To see if the Town will amend Articles 10.2 Prosecutions and Enforcement and 10.3 Non-Criminal Disposition as follows: (Please note new language appears in bold and underlined):

10.2 Prosecutions and Enforcement

By adding **8.5.9** to the Articles listed in the Article column under the enforcement of the Building Commissioner and Commissioner of Public Works.

and

10.3 Non-Criminal Disposition

By adding under the “Table of Specific Penalties Under Article 10.3” the following:

Article 8.5.9 Defacing Property and Graffiti

Section 8.5.9.4 Penalties \$300.00

or act on anything relative thereto.

ARTICLE 22

To see if the Town will amend the general by-laws by adding the following article:

Article 8.28, The Prohibition of Leaf Blowers in Certain Areas.

The use of gas powered leaf blowers is to be prohibited within 500 feet of unobstructed space around hospitals, nursing homes, homes for the elderly and disabled, places of worship during religious ceremonies, funeral homes during their hours of operation, and schools during school hours unless there is no complaint made to the police about any violation or if the proper authorities of these above designated establishments explicitly waive their rights by granting permission for the use of the leaf blowers around their areas. The first violation of this by-law would subject the violator to a fine of \$100, a second to a fine of \$150 and a third or more to one of \$200.

or act on anything relative thereto.

ARTICLE 23

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

AN ACT AUTHORIZING THE TRANSFER OF THE FORMER FISHER HILL RESERVOIR IN THE TOWN OF BROOKLINE.

SECTION 1. The commissioner of the division of capital asset management and maintenance (the commissioner) may, notwithstanding the provisions of sections 40E to 40H, inclusive, of chapter 7 of the General Laws, convey by deed a certain parcel of land in the town of Brookline to the town of Brookline. The parcel, known as the “former Fisher Hill Reservoir” is located on the southwest side of Fisher Avenue. The boundaries of the parcel shall be established by a survey commissioned by the commissioner.

SECTION 2. The parcel is currently open space and after conveyance, the parcel shall be used for open space or active or passive recreation purposes with the exception of a certain portion of the parcel not to exceed 12,000 square feet that will be dedicated and used for a storage facility.

SECTION 3. The sale price paid by the town of Brookline for the parcel described in section 1 shall be not less than the full and fair market value of the parcel determined by the commissioner based on an independent appraisal and based on its use as described in this act. The inspector general shall review and approve the appraisal and the review shall include an examination of the methodology utilized for the appraisal. The inspector general shall have thirty days to prepare a report of his review and file the report with the commissioner of the division of capital asset management and maintenance for submission within fifteen days thereafter to the house and senate committees on ways and means and to the joint committee on state administration.

SECTION 4. The town of Brookline shall be responsible for any costs for appraisals, surveys and other expenses relating to the transfer of the parcel. Upon completion of the transfer of the parcel, the town shall be solely responsible for all costs, liabilities and expenses of any nature and kind for the development, maintenance, use and operation of the parcel. In the event the parcel ceases at any time to be substantially used for the purposes set forth in section 2 or for municipal use, the commissioner shall give written notice to the town of the unauthorized use. The town shall upon receipt of the notice have thirty days to respond and a reasonable time to establish an authorized use of the parcel. If an authorized use of the parcel is not thereafter established, the title to the parcel shall, upon the recording of a notice thereof by the commissioner in the appropriate registry of deeds, revert to the commonwealth with the parcel to be under the care and control of the division of capital asset management and maintenance. Any further disposition of the parcel shall be subject to sections 40E to 40J, inclusive, of chapter 7 of the General Laws.

SECTION 5. The sale price paid under section 3 shall be deposited in the General Fund of the commonwealth.

SECTION 6. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 24

To see if the Town will vote to extinguish, abandon or otherwise release all or a portion of a sewer and surface water drain easement on a date and to the extent to be determined by the Board of Selectman. Said easement is situated on the westerly side line of Heath Street and contains approximately 8702 square feet as shown on a plan numbered 5287, dated April 24, 1924 prepared by Henry A. Varney, Town Engineer and entitled "Proposed Change in Sewer Location"; said easement is recorded in the Norfolk Registry of Deeds in Book 1904, Pages 271-272 being bounded and described as follows:

Beginning at a point on the boundary line between the City of Newton and the Town of Brookline, said point being situated five hundred eighty-one and five

hundredths (581.05) feet south westerly from the stone monument marking an angle in said boundary line at the southerly corner of Lowell Playground, thence running south seventy (70) degrees, forty-three (43) minutes fifty-eight (58) seconds east for a distance of three hundred forty and seventy-two hundredths (340.72) feet to the westerly side line of Heath Street. The southerly side line of the proposed taking is situated parallel with and twenty-five (25) feet southerly from the line above described as having a length of three hundred forty and seventy-two (340.72) feet, and containing about 8702 square feet. Said parcel of land is shown on plan by Henry A. Varney, Town Engineer, dated April 24, 1924, and numbered 5287.

or act on anything relative thereto.

ARTICLE 25

Have the moderator appoint a committee to Investigate and audit to determine the most revenue positive way to assess Lodging Houses and expend \$1 or any amount necessary to make a comprehensive report to the Selectmen with recommendations.

or act on anything relative thereto.

ARTICLE 26

To see if the Town will adopt the following:

RESOLUTION Reaffirming Sanctuary Status for Undocumented Immigrants:

WHEREAS: The Town of Brookline has been built and enriched by generations of immigrants, and has a proud history since November, 1985, as a Sanctuary for refugees from El Salvador, Guatemala, and Haiti;

WHEREAS: There are now approximately 12 million undocumented immigrants in the USA who have been systematically denied the opportunity enjoyed by past generations of immigrants to become legal permanent residents or citizens of this country; over the past two decades, immigration policy has become even more restrictive and punitive and closed off avenues previously available for immigrants to obtain legal permanent residency, while the US-Mexico border has been further militarized;

WHEREAS: While borders have been closed off to people over the past two decades, they have been simultaneously opened up to trade and capital; these same “free trade” economic policies have increased poverty and decreased opportunities for people to make a dignified living and support their families;

WHEREAS: In 2005, record numbers of migrants seeking to support their families, with no means to migrate safely into the USA, perished in the desert along the US-Mexico border, while countless others died in the journey; and the migration experience has adverse emotional and psychological effects on families, kept apart for many years due to unjust immigration policies and backlogs in visa applications; and undocumented immigrants are especially vulnerable to workplace abuses and housing discrimination;

WHEREAS: Current US immigration policy does not reflect the standards of Brookline residents regarding what is just, humane and moral; and both undocumented and

documented immigrants in the U.S. fuel our economy and those of their countries of origin;

WHEREAS: On December 16, 2005, the House of Representatives passed HR-4437, which would have drastic consequences for nearly all immigrants to this country, their families, their neighbors, and those who support them; and the US Senate has been considering a companion bill that contains many of the same counterproductive, misguided measures, including criminalization of immigrants and those who help them, further militarization of the border, turning police into immigration agents, and the erosion of cherished legal traditions such as due process; and the US Senate is also considering guest worker programs that would create a second-class citizenry without basic rights, disenfranchised and vulnerable to exploitation by unscrupulous employers;

WHEREAS: Much public discourse surrounding immigration has taken a tone ranging from irrational to racist, including the pejorative use of terms like “illegal” and “alien” to describe immigrants, with a dehumanizing effect that helps to justify policies criminalizing and excluding immigrants;

WHEREAS: Raids by the federal government, ranging from the highly publicized, nationwide workplace raids on April 17, 2006, that resulted in the arrest of 1,187 employees to the less widely known sweeps of homes such as occurred in Massachusetts on March 6, 2006, have instilled fear and panic in immigrant communities and created environments that are ripe for intimidation, harassment and racial profiling;

WHEREAS: Following the raids in April of this year, the US Homeland Security Secretary announced plans to intensify such enforcement measures, an announcement that came in the midst of unprecedented numbers of immigrants demonstrating in defense of their dignity, against HR-4437, and for an opportunity to obtain legal permanent residency; and

WHEREAS: Numerous cities, including Maywood, Huntington Park, and Coachella, CA have recently declared themselves Sanctuary Cities, and cities from Cambridge MA (May 8, 2006) to Chicago and San Francisco have reaffirmed their earlier commitments as Sanctuaries,

THEREFORE, BE IT HEREBY RESOLVED THAT:

1. The Town of Brookline reaffirms its commitment as a Sanctuary Town, as declared by Town Meeting in November, 1985, and expands it now to include all undocumented immigrants from all countries;¹
2. The Town endorses the platform of the Keep Our Families Together Campaign, an initiative of the National Alliance of Latin American and Caribbean Communities that seeks to (a) enable immigrants who currently live and work in the United States to obtain Permanent Resident status and have the option to apply for citizenship; (b) increase the number of visas available in the quota system with a preference for family unification; (c) establish a limit of no more than six months for the processing and resolution of immigration applications; (d) facilitate the integration and participation of immigrants into the political, social and economic life of this country; and (e) enable future immigrants to enter the United States under a legal system that is just and respectful of human rights;

3. The Town calls upon the US Department of Homeland Security and the US Immigration and Customs Enforcement to declare a moratorium on immigrant raids, at least until the US Congress comes to an agreement on comprehensive immigration reform, so that the debate can be carried out in good faith rather than against a backdrop of fear, repression and intimidation;
4. The Town affirms the basic human rights and dignity of every human being;
5. The Town rejects the use of the word “illegal” to describe human beings and the use of the word “aliens” to describe immigrants, and hereby adopts the language “undocumented” when referring to those who do not have federally recognized resident status and “immigrant” to refer to those who have migrated to the US from another country;
6. The Town of Brookline urges the US Senate to defeat HR 4437 and urges the President to veto such legislation if approved by the Senate; and
7. The Town Clerk shall forward a copy of this resolution on behalf of the Town of Brookline to the Massachusetts Congressional delegation and to the President of the United States.

¹ The operative 1985 language “RESOLVED THAT:

“the Town of Brookline become a sanctuary for refugees from El Salvador, Guatemala, and Haiti, and that they shall be afforded all rights and privileges offered and supplied to all people residing or working in the Town;

“it is the policy of the Town that, to the extent legally possible, no department or employee of the Town will violate established or future sanctuaries by officially assisting or voluntarily cooperating with investigations or arrest procedures, public or clandestine, relating to alleged violations of immigration law by refugees from El Salvador, Guatemala or Haiti or by those offering sanctuary;

“the Town supports and appreciates its residents who may provide bedding, food, health and other settlement assistance, as well as friendship to refugees from El Salvador, Guatemala, and Haiti; and the Town will not participate in any form in the compounding of injustice against these refugees or in the Federal Government’s persecution of those who in good faith offer humanitarian assistance to these refugees;

“the Town supports all efforts intended to provide free, effective legal representation for any person residing in Massachusetts who is seeking asylum in the U.S. because of fear of persecution in his or her homeland, including Mass. Senate Bill #1063 sponsored by Senator Jack Backman.”

or act on anything relative thereto.

ARTICLE 27

A Resolution Supporting a World Language Program as proposed by the Brookline K-World Language Planning Committee

Whereas, in today’s multicultural, global economy, knowledge of language and culture have emerged as two of the most important advantages in the competition for jobs;

Whereas, implementation of an elementary world languages program would help preserve the tradition of excellence in The Public Schools of Brookline and enhance student achievement in language proficiency attainment that is currently not being met;

Whereas, scientific research shows that early language instruction improves learning in other subjects, most notably math, and raises overall standardized test scores;

Whereas, scientific research has shown that the ability to acquire languages with the skills of a native peaks in children up to the age of six and diminishes steadily until shortly after puberty;

Whereas, our children will need to live and work in a multilingual, multicultural world in which it is increasingly necessary to speak in a language other than English to conduct one's life;

Whereas, research has shown that students who develop language proficiency have lower rates of unemployment than those that do not;

Whereas, the Brookline K-6 World Language Planning Committee completed a year-long study of successful programs across Massachusetts and the United States and has presented a report to the School Committee and the Superintendent outlining in detail the resources, costs and timeframe necessary to implement a world-class language program based on its in-depth research (the final report is available at <http://www.brookline.k12.ma.us/PSB/TEACHING+AND+LEARNING/Curriculum+Areas/WorldLang/K--+6+World+Language+Proposal.htm>);

Therefore, be it resolved that Town Meeting hereby expresses its support for the World Language Program proposed by the Brookline K-6 World Language Planning Committee, and further, encourages the School Committee and the Board of Selectmen to create a plan for the implementation and funding of a World Language program in grades K-6 to be included in the FY08 budget recommendation or act on anything relative thereto.

ARTICLE 28

To see if the Town will adopt the following resolution:

RESOLVED: That Brookline Town Meeting urges every Town committee, subcommittee, or study, by whatever classification, whether appointed by the Board of Selectmen or the Town Moderator or otherwise, including subcommittees of the Advisory Committee, to conduct at least half its meetings during evening hours and subject to all public meeting, public record, and conflict of interest laws. In particular, all meetings at which an expert or consultant to advise the committee is expected to attend should be held during evening hours.

or act on anything relative thereto.

ARTICLE 29

To see if the Town will ask the Board of Selectmen to describe how collections of the Refuse Disposal Fee, about \$40 million, was expended in Town budgets for the past 18 years or whether the \$40 million was placed in Town surplus accounts. The Selectmen are asked to report to Town Meeting especially about last year's (FY 2006) collection of

\$2,100,000 of the Fee. How was this supplemental money disbursed? This Selectmen's report shall be presented to the present 2006 Town Meeting or act on anything relative thereto.

ARTICLE 30

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

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this _____ day of September, 2005.

BOARD OF SELECTMEN

[Town Seal]