

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 SEVENTEENTH day of NOVEMBER, 2009 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be 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 rescind the unused portion of the following prior borrowing authorizations:

1. For repairs to the Brookline High School, authorized under Article 8, Section 13, Item 60 of the 2008 Annual Town Meeting, in the amount of \$100,000.
2. For assessment and corrective action associated with the Newton Street Landfill, authorized under Article 8, Section 13, Item 56 of the 2009 Annual Town Meeting, in the amount of \$1,000,000.

or act on anything relative thereto.

ARTICLE 4

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2010 budget or transfer funds between said accounts;
- B) To see if the Town will vote to appropriate, borrow or transfer from available funds, \$29,100,000, or any other sum, to be expended under the direction of the School Building Committee for the John D. Runkle School located at 50 Druce Street in the Town of Brookline, Massachusetts and as further described as Parcel I.D. No. 245/01-00 in the Town of Brookline Assessor's map, which school facility shall have an anticipated useful life as an educational facility for the instruction of school children of at least 50 years, and for which the Town may be eligible for a school construction grant from the Massachusetts School Building Authority (“MSBA”). The MSBA’s grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Brookline may receive from the MSBA for the Project shall not exceed the lesser of (1) 41.58% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA;
- C) Appropriate \$1,400,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the reconstruction of the Carlton Street Footbridge.
- 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 5

To see if the Town will raise and appropriate a total of \$1,400,000, or any other sum, by tax levy, by transfer from an existing appropriation, by borrowing, or by any combination of these, for the restoration of the Carlton Street entrance to Riverway Park; such restoration to be completed in accordance with the schedule submitted with the Memorandum of Understanding signed by a majority of the Board of Selectmen on July 14, 2009, and any amendments to that schedule approved by the Commonwealth; such restoration to be carried out in accordance with the requirements of the certificates of the Secretary of Environmental Affairs dated April 16, 2002, May 1, 2003, and April 1, 2005, issued for the Muddy River Restoration Project (EOEEA No. 11865), in consultation with the Massachusetts Historical Commission and Massachusetts Architectural Access Board; such funds to be expended under the direction of the Commissioner of Public Works with the approval of the Board of Selectmen; provided

that such appropriation shall be reduced by the amount of any third-party funding for such purpose.

or act on anything relative thereto.

ARTICLE 6

To see if the Town will amend the Conditions of Appropriations in the Fiscal Year 2010 Town Budget by adding the following paragraph:

15.) LIMITATION ON EXPENDITURES

No Town funds or funds whose expenditure is controlled by the Town shall be expended after December 31, 2009, for the purpose of compensating Town employees, engaging contractual services, providing electric power or other utilities, or any other purpose associated with the operation, monitoring, maintenance, data recording, or with any other aspect of the functioning of the surveillance cameras that have been provided by the Department of Homeland Security and installed on Town property, except that such funds may be employed for the sole purpose of rendering said surveillance cameras inoperative and removing them from Town property.

or act on anything relative thereto.

ARTICLE 7

To see if the Town will authorize and empower the Board of Selectmen to sell and convey, for a specified minimum amount or a larger amount, the Town-owned land known as the Town-owned Fisher Hill Reservoir Site, shown as Lot 13 in Block 250 on Sheet 54 of the 2005 Assessor's Atlas and containing 208,545 square feet (the "Land") or such greater or lesser area as is determined by an accurate survey, and upon such other terms and conditions as determined by the Board to be in the best interests of the Town; said Land to be developed generally as proposed in a response to the Town's Request for Proposals, dated December 16, 2008 and submitted by New Atlantic Development Corporation.

or act on anything relative thereto.

ARTICLE 8

To see if the Town will amend the Zoning Bylaw and Map by incorporating the attached map into the Zoning Map and adding a new section 5.06.4.e as follows:

"e. Fisher Hill Town-Owned Reservoir Site Mixed Income Housing Overlay

- 1) It is found that the Fisher Hill Town-Owned Reservoir Site (the "Site") has been identified in the Town's Comprehensive Plan and through a Fisher Hill Planning Process ("Planning Process") as an appropriate site for mixed-income housing development of a high quality and contextual design. For this reason, the development of the Site shall be permitted under the criteria of this section. It is further found that, due to the sensitive nature of the Site, a construction oversight committee of neighbors and other stakeholders will be charged to advise the Building Commissioner during construction.

- 2) Any applicant may seek relief under this overlay, provided it meets the following requirements:
 - a) It contains no more than 40 units of housing
 - b) More than 50% of the units on the Site shall be affordable, defined generally in accordance with Section 4.08.2.c., to households with incomes up to 120% of median income, defined in accordance with Section 4.08.2.f. These units shall include at least 25% of the units on the Site that shall be affordable to households with incomes up to 80% of median income and which shall also qualify for the Town's Subsidized Housing Inventory as per Massachusetts General Laws Chapter 40B and 760 CMR 56., including requirements for minimum unit size. In no case, however, shall an affordable unit be smaller than those sizes listed in Section 4.08.6.c. of the Zoning Bylaw. These affordable units shall, to the extent feasible, consist of an equal mix of 2 or 3 bedroom units.

- 3) Based on the work completed in the Planning Process, and in close consultation with those involved in the Planning Process to date, the Planning Board, as per 5.09.4.o., shall adopt building design and landscape guidelines for this overlay district.

- 4) A project that qualifies for use of this overlay district shall be subject to the following review criteria and process:
 - a) The applicant shall apply for a Special Permit, which Board of Appeals may grant if, upon review of a master site plan, it finds the project meets the following criteria:
 - 1) It has met all requirements of Section 9.05 of the Zoning Bylaw;
 - 2) It has met the requirements of Section 5.09 of the Zoning Bylaw relating to Design Review for a Major Impact Project.
 - 3) It is consistent with the design guidelines adopted by the Planning Board as per 5.06.4.e.3. above.
 - 4) It has a viable plan for maintaining affordability for the longest period permitted by law that has been approved by the Department of Planning & Community Development;
 - b) A preliminary subdivision plan for the site must be approved by the Planning Board. In addition, if any Approval Not Required lots are to be created along Fisher Avenue as part of this project, the Planning Board must complete its review of the ANR plan. A definitive subdivision plan that addresses any conditions placed on the preliminary plan and ANR lots may be submitted subsequent to receipt of this Special Permit. A Special Permit granted under this overlay shall be conditioned upon approval of the definitive subdivision.
 - c) If this initial Special Permit is granted, and the land is subdivided as per the approved definitive subdivision plan, construction on each lot shall be permitted subject to the conditions set forth in the Special Permit, which shall include design review by the Planning Board. Such design review shall be conducted as per sign/façade review in Section 7 of the Zoning Bylaw, and shall determine consistency with the project Special Permit, including design guidelines. The specific location of each single-family detached and attached dwelling unit within a parcel may be adjusted as part of this review, provided that it meets all

setback requirements and is otherwise consistent with the dimensional requirements of the Special Permit and design guidelines.

d) Any lot that is created as part of this process and is not built upon within 3 years of issuance of the Special Permit must be landscaped consistent with the overall landscape plan approved for the Site as part of the Special Permit.

- 5) Any Special Permit sought under this overlay district shall permit the following uses for lots located in their entirety more than 100 feet from Fisher Avenue:
- a) Principal Use 5 (attached dwelling unit.) For this use, no side yard setback is required on the attached side of the structure.
 - b) Principal Use 4A, however, only three family dwellings shall be permitted; and
 - c) Principal Use 6 (multiple or attached dwelling of four or more units,) provided that no more than 4 units may be contained on any one lot other than as provided for in 5.06.e.6.a.4 below.

Any other uses sought shall be in accordance with other relevant sections of this Zoning Bylaw.

- 6) Any Special Permit sought under this overlay district shall permit development subject to the following dimensional requirements, superseding any conflicting requirements in Sections 5 and 6 of the Zoning Bylaw for the underlying zoning district:
- a) Provided that the Site is laid out consistent with the design guidelines outlined above and in the Planning Process, the Site may be developed subject to the following restrictions:
 - 1. An overall maximum Floor Area Ratio of 0.4, or a maximum total of 72,000 square feet of Gross Floor Area, shall be permitted.
 - 2. No building located on any part of the site other than the “Multifamily Lot” referred to in 5.06.e.6.4.a. below, shall be larger than 4,500 square feet of Gross Floor Area.
 - 3. No attached single-family dwelling unit shall be larger 3,500 square feet.
 - 4. One lot (“the Multifamily Lot”) shall be permitted to have a set of buildings under uses 4A, 5 and 6, provided the combined Gross Floor Area of these buildings does not exceed 36,000 square feet.
 - b) Minimum lot sizes and widths, yard setbacks, and open space requirements in the overlay may be reduced as part of the overall Special Permit provided the plan is consistent with the vision for the Site referred to in the Planning Process. However, no more than four lots on the site shall be smaller than 15,000 square feet.
 - c) Consistent with the Town’s Planning Process, more than one principal structure shall be permitted on the same lot, for the Multifamily Lot only. For that parcel only, the maximum height permitted may also be increased to 45 feet. For all other buildings, the base zoning district maximum height requirement of 35 feet shall apply.
 - d) Consistent with the Town’s Planning Process, parking requirements under Section 6 of the Zoning Bylaw may be modified. In particular, the parking requirement for the affordable units shall be 1.75 spaces per unit. A significant majority of the parking shall be located below grade, in garages, or otherwise shielded from public view.

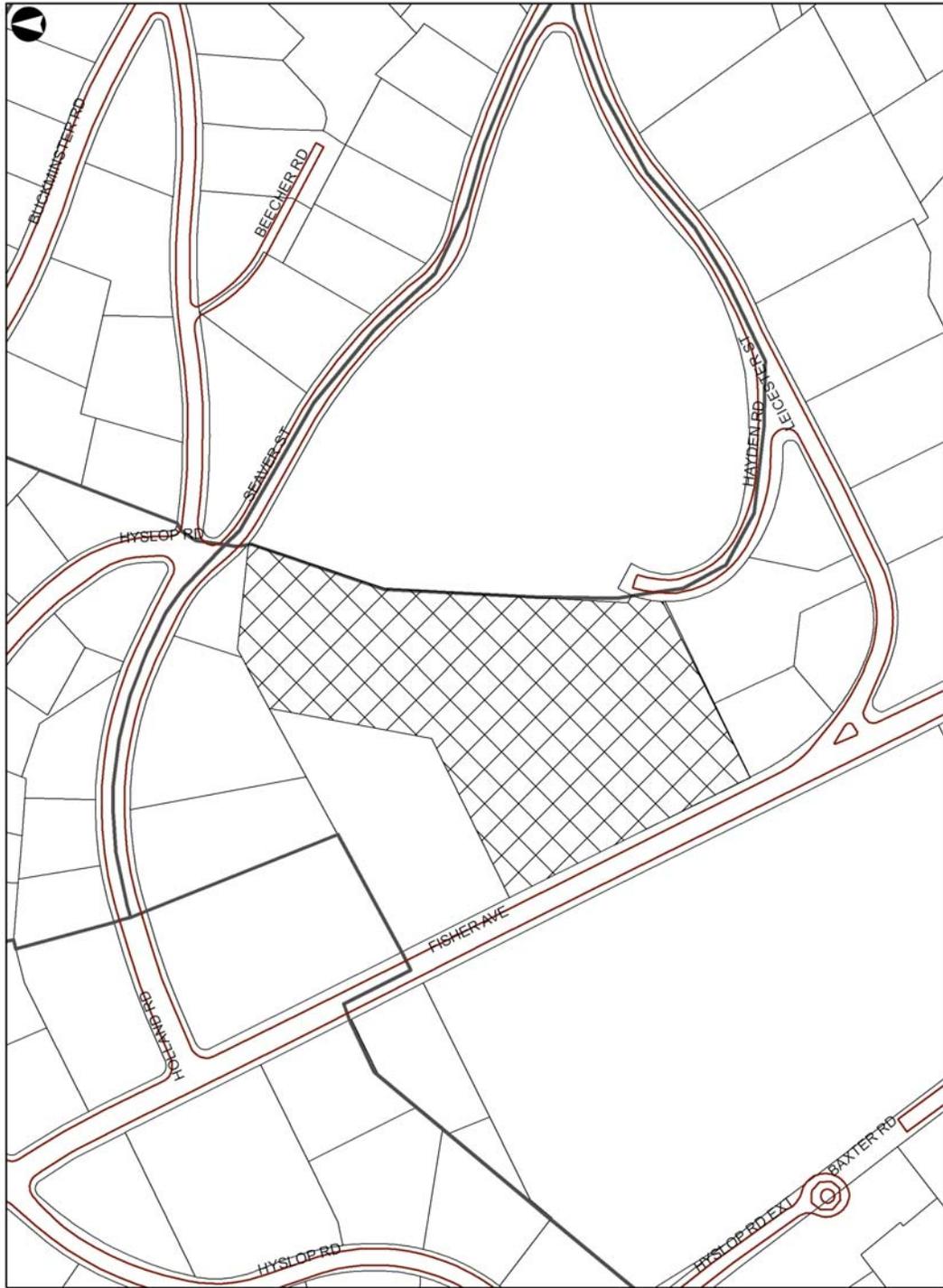
- e) Consistent with the higher level of affordability on this site required by Town's Planning Process, Section 4.08 of the Zoning Bylaw shall not apply to projects using this overlay, with the exception of the minimum unit sizes in Section 4.08.6.c.
 - f) These dimensional restrictions apply to the overlay district as a whole and shall not be exceeded on the Site if it is developed by more than one applicant. Any other dimensional relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.
- 7) Once any lot in the Site is subdivided and conveyed to be used for construction of a single family home or an attached dwelling unit (a "Sold Lot"), the Sold Lot shall not be in violation of this section 5.06.4.e or any other provision of the Zoning Bylaw or any Special Permit granted with respect to the Site by virtue of any violation of any other lot in the Site. Likewise, no other lot in the Site shall be in violation of this section 5.06.4.e or any other provision of the Zoning Bylaw or any Special Permit granted with respect to the Site by virtue of any violation of any Sold Lot."

And further, by adding a new section under 3.01.4. (*Overlay Districts*):

"b. Fisher Hill Town-Owned Reservoir Mixed Income Housing Overlay"

or act on anything relative thereto.

Fisher Hill Town Reservoir Mixed Income Housing Overlay District



1 inch = 200 feet

 Fisher Hill Town-Owned Reservoir Mixed Income Housing Overlay

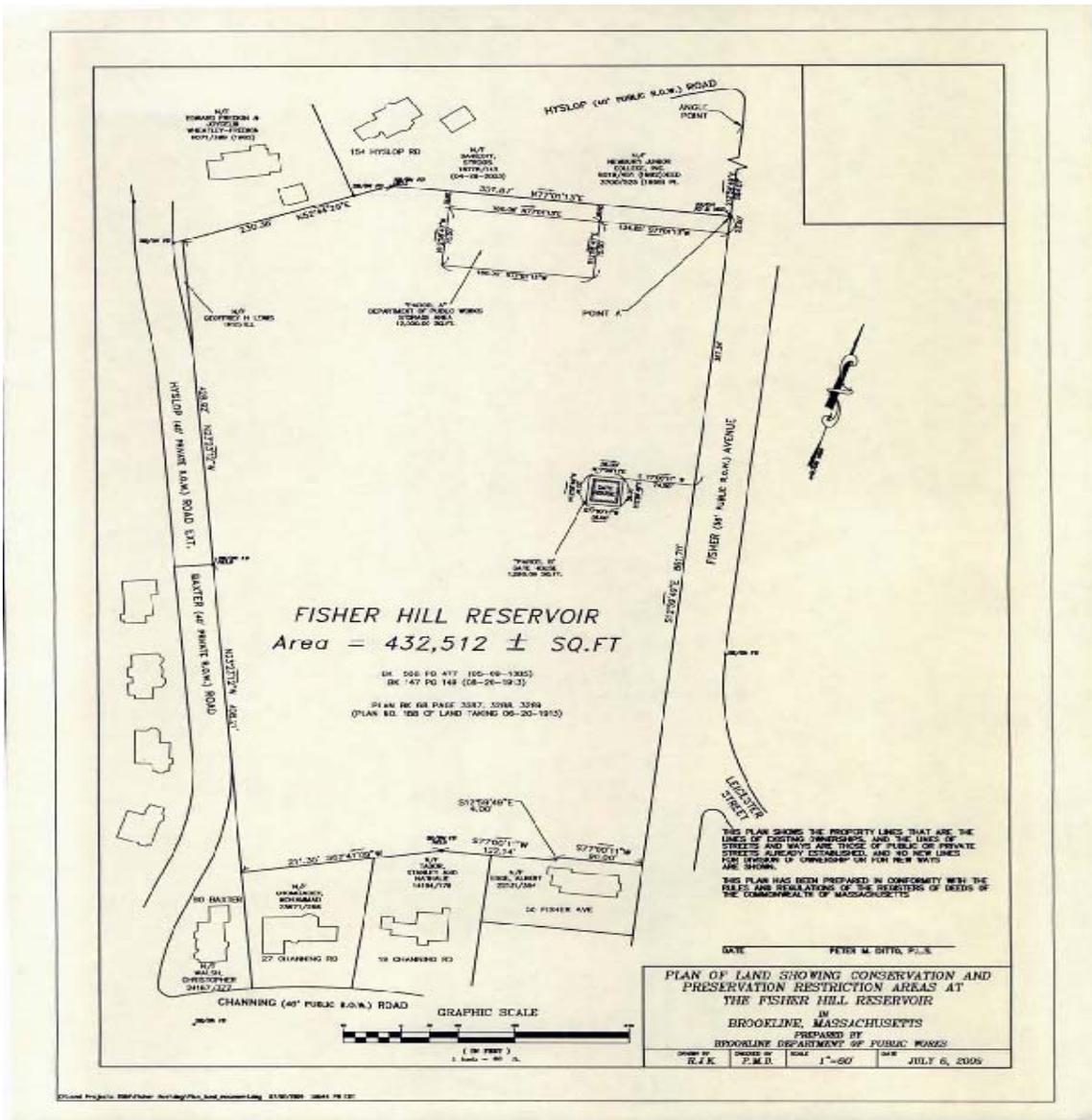
ARTICLE 9

To see if the Town will authorize and empower the Board of Selectmen to purchase and take title on behalf of the Town for a specified minimum amount or a larger amount, the land and buildings thereon owned by the Commonwealth of Massachusetts and known as

the State-owned Fisher Hill Reservoir, containing approximately 432,512 square feet and shown as Lot 1 in Block 256 of the Assessors' Atlas; and to accept as part of such conveyance a conservation restriction of approximately 420,512 square feet and preservation restriction of approximately 1296 square feet on the portion(s) of said land as generally shown in a plan attached hereto and incorporated herein as Exhibit A; and to use said land exclusively for active and passive recreation and/or to further conservation and open space uses consistent with Chapter 218 of the Acts of 2000; and upon such other terms and conditions as the Board of Selectmen shall consider proper and in the best interests of the town.

or act on anything relative thereto.

EXHIBIT A



ARTICLE 10

To see if the Town will amend the Zoning Bylaw and Map by incorporating the attached map into the Zoning Map and amending the Zoning Bylaw as follows:

1. Amend Section under 3.01.2.a.(Local Business (L)):

“**2) L-0.5 (CL)**
3) ↷ L-1.0”

2. Add a new section 5.06.4.e. under *Special District Regulations*:

“*e. Cleveland Circle Local Business District L-0.5 (CL)*

- 1) It has been determined through study of the Local Business District in Cleveland Circle that there exists potential for redevelopment of much of this district. It has further been determined that, due to the circulation and multiple transit systems in this area as well as the proximity of the municipal boundary with Boston, any redevelopment in this district would need to be closely analyzed for its impacts on the roadway, transit and pedestrian system and for its overall design taking into consideration previous mitigation due to traffic flow patterns within the district.
- 2) All applications in the L-0.5 (CL) district shall be subject to **§5.09, Design Review**. Further, any development in this district shall, for the purposes of determining if it is a Major Impact Project under **§5.09.3.b.**, be viewed in its entirety, even if a portion of the project is located in another municipality.
- 3) All Major Impact Projects in this special district shall be required to submit a traffic impact and access study that clearly outlines the strategy for providing access to and from the proposed development and the impacts of that access on the transportation system of the Town, the area’s mass transit systems, pedestrian and bicycle circulation, and public safety in this area. The Board of Appeals may condition any Special Permit under **§5.09** on a specific plan for traffic mitigation that will take into consideration previous mitigation due to traffic patterns within the district and, if appropriate, compliance with an approved Transportation Demand Management program.”

3. Amend Section 5.09.2.a. as follows:

"a. Any structure or outdoor use on a lot any part of which is located in the G-1.75(CC) or **L-0.5 (CL)** Districts or which fronts on or is within 100 feet of: Beacon Street, Commonwealth Avenue, Boylston Street, Harvard Street, Brookline Avenue, or Washington Street.”

4. Amend Table 5.01 (Table of Dimensional Requirements) to add the words “L-0.5 (CL)” immediately below the words “L-0.5” in the District column.

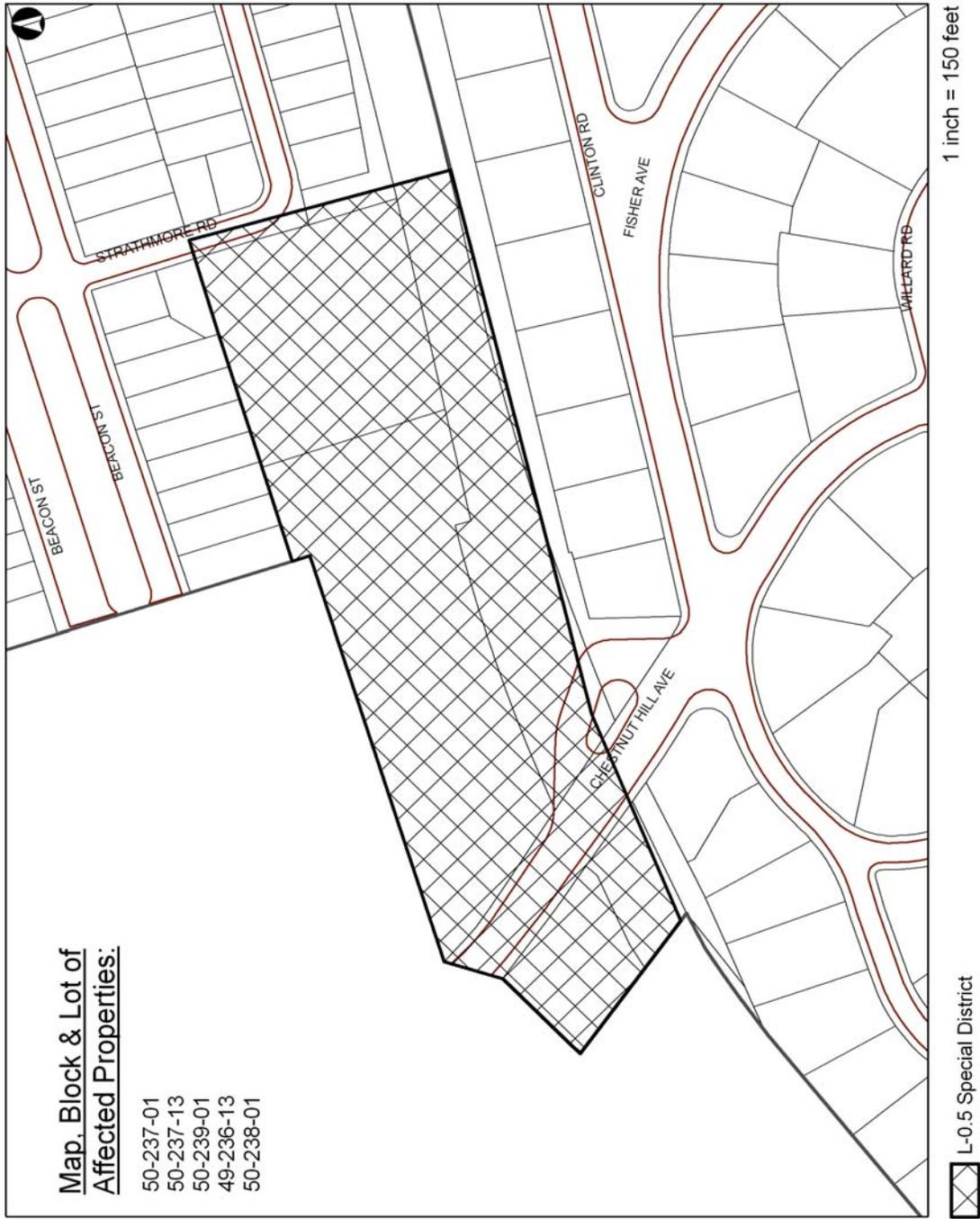
or act on anything relative thereto.



☒ L-0.5 Zoning District

1 inch = 150 feet

L-0.5 (CL) Special District



ARTICLE 11

[**bold** is new language, strike-out is deletion]

To see if the Town will amend Section 4. of the Zoning By-law as follows:

1. Delete Uses 15A and 15B from the Principal Uses section of Table 4.07 and add the following footnote to Use 15 (moved from Use 15B):

“* A day care center shall be licensed in accordance with **M.G.L. chapter 28A, §10**. If such a facility has an outdoor play area, that area shall be at such a distance and so screened from any lot line and from any residential structure on an adjoining lot to avoid a noise nuisance.”

2. Add new Accessory Uses 60A and 60B to Table 4.07 as follows:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
60A. Family child care home or Family child care plus home operated by an occupant of that household, as defined in draft 102 CMR 8.02 or its successor regulations, provided that no more than 6 children of less than school age, or up to 8 children if 2 are of school age, shall be cared for at one time, inclusive of children of the operator.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
60B. Large family child care home operated by an occupant of that household, as defined in draft 102 CMR 8.02 or its successor regulations, provided that no more than 10 children shall be cared for at one time, inclusive of children of the operator.	SP	SP	SP	SP	SP	Yes	Yes	Yes	Yes

3. Amend Section 4.05 as follows:

“§4.05 - RESTRICTIONS ON ACCESSORY USES IN RESIDENCE DISTRICTS”

1. In any residence district, no accessory use shall be permitted which involves or requires any of the following:
 - a. The employment of any persons who is not resident in the dwelling unit, other than a domestic employee, except:
 - 1) Attendant or attendants to an accessory garage or parking space;
 - 2) Employee or employees of Uses 13, 14, 19, 20, 52, 63, 64, 66, 68 as permitted under §4.07 and Uses 58, 58A, ~~or~~ 59, **60A or 60B** as permitted hereunder and in §4.07.
 - b. The maintenance of a stock in trade, except for Uses 63, 64, and 68 in §4.07, or the use of show windows or displays or advertising visible outside the premises to attract customers or clients, other than professional announcement signs, except as provided for Use 64 in §4.07.
2. An accessory use in a dwelling unit in any residence district as permitted under §4.07, Uses 58 or 59, which requires a special permit shall be subject to the office parking provisions of §6.02 unless otherwise modified by the Board of Appeals, by special permit.

3. An accessory use in a dwelling unit in any residence district as permitted under §4.07, Uses 58, 58A or 59, shall not:
 - a. occupy space which exceeds in area the area of the ground floor; occupy 25% or more of the total floor area in an S, SC, or T district, or occupy 50% or more of the total floor area in an M district;
 - b. permit the employment of more than two persons not resident in the dwelling unit;
 - c. be in operation or be open to clients, pupils or other members of the general public (except those seeking emergency professional services of a physician or member of the clergy) between the hours of 10:00 p.m. and 7:00 a.m.; or
 - d. create any objectionable impact in terms of noise, traffic, parking or other nuisance.
4. **For Family Child Care Homes, Family Child Care Plus Homes, and Large Family Child Care Homes (uses 60A and 60B), the following materials must be submitted:**
 - **Site plans showing existing and as-built conditions;**
 - **Hours of operation;**
 - **A parking and circulation plan that provides for safe dropoff and pickup areas for parents and adequate parking for employees, where necessary;**
 - **If an outdoor play area is to be provided, a site plan showing the area so screened from any lot line and from any residential structure on an adjoining lot to avoid a significant noise nuisance;**
 - **Information on other Family Child Care facilities, or other accessory uses, existing or known to be proposed on the same parcel as the proposed facility. For all such facilities, all of the above information shall also be provided and reviewed in the context of the new application;**
 - **Documentation of application for appropriate licensing in accordance with M.G.L. chapter 28A, §10 and its implementing regulations. The Building Commissioner or Board of Appeals may condition any approval of such a facility on the owner providing documentation of appropriate licensing prior to receiving a Certificate of Occupancy.**

For use 60A , the Building Commissioner must find that the conditions as described in these submissions serve the facility and the neighborhood adequately and may condition a Certificate of Occupancy on continued compliance with these submissions. For use 60B, the conditions as described in these submissions will be considered in an application for a Special Permit, which may be conditioned on continued compliance with the conditions described in these submissions.

Under no circumstances shall such a facility cause a significant negative impact on the surrounding neighborhood in terms of traffic, parking, noise, or other factors relating to quality of life. The Building Commissioner shall condition a

Certificate of Occupancy for Uses 60A and 60B, and the Board of Appeals shall condition a Special Permit for Use 60B, on compliance with this requirement. This requirement shall also apply to any facility under Uses 60A and 60B that predates the adoption of this zoning language.

Any Special Permit issued for Use 60B shall automatically expire if the operator’s state license at the permitted location for a Large Family Child Care Home is terminated.”

4. Amend Section 6.02.4. as follows:

“4. Institutions shall include Uses 10, 11, 15, ~~15A~~, 17, and 19 as listed in Article IV.”

or act on anything relative thereto.

ARTICLE 12

To see if the Town will amend the Zoning Bylaw as follows:

1. Amend Section under 2.03 by inserting two new definitions (“C” Definitions):

“2) CAR SHARING ORGANIZATION - A Car Sharing Organization (CSO) is a membership-based entity with a distributed fleet of private motor vehicles that are made available to its members primarily for hourly or other short term use through a self-service fully automated reservation system. A CSO does not include any arrangement where a separate written agreement is entered into each time a vehicle is transferred from a rental company to its customer.

3) COMMERCIAL MOTOR VEHICLE - Any motor vehicle that is not otherwise defined as a Non-Commercial Motor Vehicle.

4) ~~2~~ COURT”

2. Amend Section under 2.14 by inserting one new definition (“N” Definitions):

“1) NON-COMMERCIAL MOTOR VEHICLE - Any motor vehicle, regardless of what kind of license plates they have, which is an Antique Motor Car, Low Speed Vehicle, Limited Use Vehicle, Moped, Motorcycle, Private Passenger Motor Vehicle, School Bus, School Pupil Transport Vehicle, or Vanpool Vehicle as defined by the Massachusetts Registry of Motor Vehicles, and any vehicle owned by a Car Sharing Organization with a Gross Vehicle Weight Rating (GVWR) of no more than 6,000 pounds.

2) ~~1~~ NONCONFORMING BUILDING OR LOT

3) ~~2~~NONCONFORMING USE”

3. Amend Section under 2.16 (“P” Definitions):

“1) PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL – A building, structure, lot or part of a lot designed or used for the shelter or storage of commercial or non-commercial motor vehicles used by the occupants or users of a lot or lots devoted to a use or uses not permitted in a residential district. ~~in which space is available either to long-term or to transient or casual parkers.~~

2) PARKING GARAGE OR PARKING AREA, RESIDENTIAL – A building, structure, part of a building or structure, lot or part of a lot designed or used for the shelter or storage of non-commercial motor vehicles used by the occupants or users of a lot or lots devoted to a use or uses permitted in a residence district. ~~and in which no space is rented for casual or transient parkers.~~

or act on anything relative thereto.

ARTICLE 13

To see if the Town will amend the Zoning Bylaw as follows:

1. Add a new principal use regulation in Section 4.07, Table of Use Regulations, 22A, as follows:

§4.07 – TABLE OF USE REGULATIONS

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
AUTOMOTIVE SERVICE USES (SUBJECT TO ARTICLE VI)									
22A. Parking garage or parking area for noncommercial vehicles owned by a Car Sharing Organization (CSO), whether as the sole use of a lot or as a secondary use, for up to 25 parking spaces or 20% of the total on-site parking spaces, whichever is less. Additional CSO parking spaces may be permitted by special permit per §6.01.5.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

2. Amend Section under 6.01.4 under *General Regulations Applying to Required Off-Street Parking Facilities* as follows:

“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 rented or leased so as to render them in effect unavailable to the persons whom the facilities are designed to serve, **except as described below in §6.01.5.** 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.”

3. Add a new Section 6.01.5 under *General Regulations Applying to Required Off-Street Parking Facilities*:

“5. Surplus parking spaces beyond any required parking spaces, but no more than 25 spaces, may be rented or leased to a Car Sharing Organization (CSO) as of right. Additionally, up to 20% of the total on-site parking spaces, or 25 spaces, whichever is less, may be rented or leased to a CSO as of right. Additional CSO parking spaces may be permitted by special permit. In the case of a Special Permit, in addition to the conditions for approval described in §9.05, a demonstration must be made, through utilization surveys and other techniques where appropriate, that previous on-site parking demand will not be shifted to parking spaces on adjacent public streets to the detriment of the neighborhood as a whole. All parking facilities renting or leasing spaces to a Car Sharing Organization (CSO) shall have non-illuminated signage not to exceed three square feet per parking facility that includes the name and phone number of the property owner or lessor to be contacted for any nuisance issues that may arise. Such signage is not subject to the design review process as described in §7.03, paragraph 2.”

4. Amend Section 7.00.1.e under *Signs in All Districts*, as follows:

“e. Signs or advertising devices not attached to the building shall not exceed 20 square feet in area of each face exclusive of posts or other structural supports and shall not exceed 12 feet in height, except gasoline service station signs as regulated by §7.03, paragraph 1., subparagraph h. **Except for signs regulated by paragraphs 3 and 4 below**, all permitted signs in excess of one square foot in area shall be set back one-half the depth of the required front yard setback from all street lot lines. Except for signs regulated by paragraph 2 below, any freestanding sign of nonconforming use, or a freestanding sign of any size for a gasoline service station shall be subject to the requirements of §7.03, paragraph 2. **Except for signs regulated by paragraph 3 below**, there shall be not more than one freestanding sign, except that the Board of Appeals by special permit may allow additional freestanding signs on a property with more than one building or more than one street frontage but not more than one sign per building per street frontage. Whenever possible, signs shall be combined or clustered to minimize their number.

5. Add two new Sections under 7.00, *Signs in All Districts*:

“3. Non-illuminated signage that does not exceed 1.5 square feet in area and that identifies allowed users of individual parking spaces is allowed in all zoning districts.

4. Required signage for parking facilities renting or leasing spaces to a Car Sharing Organization (CSO) as described in §6.01, paragraph 5 is allowed in all zoning districts.”

6. Amend Section 7.03.2 under *Signs in L, G, I and O Districts* as follows:

“2. All signs permitted in §§7.02 and 7.03, except temporary signs or advertising devices permitted in §7.03, paragraph 2, subparagraphs f. and **g. or signs permitted in §7.00, paragraphs 2, 3, and 4**, shall be subject to the following design review process:

or act on anything relative thereto.

ARTICLE 14

To see if the Town will amend the General By-Laws by adding Article 8.28 as follows:

Article 8.28 MANDATORY BICYCLE REGISTRATION

All Town residents who own bicycles shall be required to register their bicycle(s) with the Town by filling out a registration form provided by the Brookline Police Department Traffic Division. The registration form shall include among other things, information such as make, color, size, model and serial numbers(s) of the bicycle(s). The Brookline Police Department Traffic Division shall provide a decal or similar small plate that shall be attached to the bicycle. The owner shall be required to renew the registration annually. The fee for registration shall be set by the Board of Selectmen and made payable to the Town.

or act on anything relative thereto.

ARTICLE 15

To see if the Town will adopt the following resolution:

Whereas members of the Board of Selectmen in serving the Town carry heavy, time-demanding responsibilities;

Whereas stipends for members of the Board of Selectmen have remained the same (\$3,500 for the chair and \$2,500 for other members) for at least 30 years;

Whereas the purchasing power of the stipends has been eroded through inflation by more than 50% since the last time that they were increased;

Therefore be it resolved that:

1. The Town is encouraged to double the stipends for the Chair of the Board and other members of the Board of Selectmen;
2. Going forward, the Advisory Committee is encouraged at regular intervals to review the stipends for members of the Board of Selectmen and make recommendations for adjustments that are incorporated in the budget presented to Town Meeting;

or act on anything relative thereto.

ARTICLE 16

To see if the Town will adopt the following RESOLUTION:

WHEREAS, the Town's "Other Post Employment Benefit (OPEB) Task Force" whose mission was to assess methods for reducing and funding the Town's OPEB liability, cites in its June 2009 Report actuarial calculations projecting the Town's unfunded obligation to its share of the cost of health care for retired Town and School employees to be approximately \$225 to \$347 million as of June 30, 2010; and

WHEREAS, if the Town does not undertake substantial, timely, and sustained OPEB funding, as well as important cost containment measures, this massive unfunded obligation to its retired employees will multiply to over \$900 million over the next 30 years; and

WHEREAS, the OPEB Task Force unanimously concluded that ***"the Town needs to pre-fund its OPEB liability", and that "If the Town does not alter course with respect to OPEB funding, it will be faced with the stark choice of ballooning taxes or sharply reduced services (or both)";*** and

WHEREAS, the OPEB Task Force also concluded unanimously that ***"If we do not pre-fund the liability, it is highly likely that the Town will be unable to provide other Town and School services at the current levels, as most of the Town's and School's budget will be dedicated to paying for retiree health costs"*** and

WHEREAS, the OPEB Task Force unanimously recommended a specific annual schedule for the Town to fund its OPEB liabilities, which payment schedule would begin to slow and eventually reverse the further growth of this massive unpaid obligation amount; and

WHEREAS, the January 2008 Final Report of the Town of Brookline Override Study Committee, citing the massive and growing unpaid Town liability for retiree health care, states: ***"Ideally, the town should set aside \$4 million per year to finance future retiree health costs and increase this amount by 4% each year"***, and furthermore, ***"if the town receives other large one-time revenue increases, such as the proceeds from selling taxi licenses, the town should add these to the fund for retiree health"***;

NOW, THEREFORE, BE IT RESOLVED that this Town Meeting endorses the following actions in order to sustain the Town's current high quality of municipal and school services, to assure the fulfillment of the obligations it has made to its current and retired employees, and to avoid ballooning property taxes:

1. To budget for and to fund the amounts as unanimously recommended by the OPEB Task Force, which began at \$250,000 in FY2010, increasing by \$250,000 each year thereafter for the purpose of slowing the future growth of, and eventually reducing, the Town's unpaid obligation to provide health care benefits to its retired employees; and

2. Pursuant to the recommendation of the 2008 Override Study Committee, at any such future time as the Town may receive revenue proceeds from the sale of municipal taxicab licenses, to appropriate not less than 50 percent of any such proceeds for the purpose of funding the Town's unpaid obligation to provide health care benefits to its retired employees.

FURTHERMORE, BE IT RESOLVED that the Advisory Committee and Board of Selectmen should, in their respective annual budget deliberations, give serious consideration to the other funding and cost containment recommendations of the OPEB Task Force for managing and controlling the Town's retiree health care costs, which are a massive, growing unpaid debt of all Brookline's present and future citizens.

or act on anything relative thereto.

ARTICLE 17

That the Town adopt the following resolution:

Whereas the U. S. Conference of Mayors in 2008 voted unanimously to urge the President to negotiate for a verifiable treaty to abolish nuclear weapons because there is no adequate municipal response to a nuclear attack, and

Whereas President Obama has asked for our support in his effort to rid the world of nuclear weapons,

Be it resolved that we the voters support the unanimous, urgent call of The U. S. Conference of Mayors to the President of the United States to commence negotiations for a verifiable treaty to eliminate nuclear weapons, and call on the Board of Selectman of the Town of Brookline, Massachusetts, to send a message of support for these negotiations to the President of the United States, and to our members of Congress.

ARTICLE 18

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 fifteenth day of September, 2009.

BOARD OF SELECTMEN

