

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 SIXTEENTH day of NOVEMBER, 2010 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 therefor, and appropriate from available funds, a sum or sums of money therefor.

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 2011 budget or transfer funds between said accounts;
- B) Appropriate \$530,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and School Committee, for the expansion of classroom capacity in various schools.
- C) 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 authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AMENDING CHAPTER 270 OF THE ACTS OF 1985, AS AMENDED BY CHAPTER 322 OF THE ACTS OF 1990 AND CHAPTER 427 OF THE ACTS OF 1991

Be it enacted, etc., as follows:

Notwithstanding the provisions of any general or special law or general by-law to the contrary, Chapter 270 of the Acts of 1985, as amended, is hereby further amended by striking out Sections 2(b), 2(c) and 2(i) and inserting in place thereof the following:

Section 2(b). recruitment, appointment and re-appointment of all department heads whose appointment on the effective date of this act is the responsibility of the Board of Selectmen, except town counsel and chief of police, and approval of the appointment of all other town employees, except employees of the library, employees of the town clerk's office, employees of the school department, and civil service employees who are subject to chapter 31 of the General Laws. With respect to the position of chief of police, the town administrator shall recommend for appointment a single candidate whom the board of selectmen shall either appoint or reject until one is appointed.

Section 2(c). supervision, written evaluation and training of all department heads appointed by or recommended for appointment by the town administrator.

Section 2(i). authority to remove for just cause any department head appointed by the town administrator.

This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 5

To see if the Town will amend the By-Laws of the Town of Brookline by amending our current By-Law for "*Board Of Selectmen, §3.1.2, General Authority*, The Selectmen shall exercise general supervision over all matters affecting the general and financial interest and welfare of the town"

by adding immediately afterwards the following new provision:

§ 3.1.2.A, Police and Fire Commissioners: In accordance with and to implement the Selectmen's responsibilities under applicable laws, the Selectmen shall bear the titles "Police Commissioners" and "Fire Commissioners" when exercising their responsibilities relating to the town's Police Department and Fire

Department, respectively. The Selectmen's responsibilities and authority are not enhanced, diminished, or altered in any fashion from those that exist under applicable Laws by virtue of bearing such titles, nor shall the Board be involved in the day-to-day administration, operations or management of the Police and Fire Departments.

or act on anything relative thereto.

ARTICLE 6

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

- I. Section 1.00.1, Purpose and Scope, by inserting the following language after welfare: “consistent with the intent and the recommendations of the Brookline Comprehensive Plan 2005-2015 or any successor Comprehensive Plan;” or act on anything relative thereto.

The amended Article would read:

The Purpose of this Bylaw is declared to be the promotion of the public health, safety, convenience, and welfare consistent with the intent and the recommendations of the Brookline Comprehensive Plan 2005-2015 or any successor Comprehensive Plan; by:

- II. § 9.05, Conditions for Approval of Special Permit, by adding a new 9.05.1.f:

f. The requested Special Permit is consistent with the goals, policies and strategies of the Brookline Comprehensive Plan 2005-2015 or any successor Comprehensive Plan;”

or act on anything relative thereto.

ARTICLE 7

To see if the Town will amend Section 4.09 of the Zoning By-Law as follows:

1. By amending Section 1: Purpose as follows:
 1. Purpose

The purpose of this section is to allow the adequate development of wireless telecommunications services and at the same time regulate the design and location of wireless telecommunications facilities to ensure that demand is fulfilled in a manner which preserves the safety, character, appearance, property values, natural resources, and historic sites of the Town. The intent of the Town of Brookline is to exercise the full rights that §704(a) of the Federal Telecommunications Act of 1996, 47 U.S.C. s 332(c) et. seq. confers to localities in regulating the siting of antennas. The standards herein are intended to achieve the following goals: encourage location of antennas on existing commercial buildings and structures rather than on residential ones or new towers, mitigate any adverse visual **and audio** effects through proper design, location and screening, encourage co-location where it will minimize visual and other impacts, and prohibit new towers in districts where they may be incompatible with existing residential uses.

Monopoles may be approved in non-residential districts by special permit, only if no other alternative is possible.

2. By amending Section 2. Scope: as follows:

2. Scope

- This §4.09 shall apply to all wireless telecommunication antennas and towers and related equipment, fixtures and enclosures, including **Distributed Antenna Systems located on public utility poles and** any modifications to any of the **proceeding preceding**, but shall not apply to dish or television antennas which receive and do not transmit; amateur ham radio antennas; citizens band radio antennas; fire, police, ambulance and other safety communication antennas; antennas utilized by the Town for its communications systems; and to antennas to be located on Town-owned property ~~or public utility poles~~, except that paragraph 4., subparagraph c. of this section shall apply.

3. By amending Section 4.09.4.(c) as follows:

- c. All wireless telecommunications antennas, towers, and related equipment, fixtures, and enclosures to be located on Town-owned property ~~or public utility poles~~ shall be exempt from the procedures in subparagraph a. above, and shall require approval from the Board of Selectmen, after an advisory report from the Planning Board and a public hearing. Long term telecommunication leases are subject to G.L.c.30B and must be approved by Town Meeting. The submittal requirements and approval standards of this section shall serve to guide the Planning Board in its recommendation to the Selectmen.

4. By amending Section 4.09.5(a) as follows:

- a. The applicant shall submit to the Building Commissioner the plans and details for the proposed wireless telecommunications antennas, towers and related equipment, fixtures and enclosures. The application shall include: sketches, pictures and photos to illustrate information on the proposed antenna and mount and exterior equipment, fixture and enclose, including: dimensions, appearance (color and finish), location on building facade or roof (setbacks if applicable), height above building roof when mounted, inventory of other antennas on building, including which antennas have not been used for over one year. Additionally, information shall be submitted on proposed method to camouflage or screen antenna and enclosure from view (screen dimensions, color and style), visibility from ground or upper floor levels of nearby residences within a radius of 500 feet, and method to make it blend in with the style of the building. **Information on expected noise impacts on surrounding areas shall be provided.** The Planning Board, at its discretion, may require a balloon test **and/or model** to better evaluate visual impacts or any other information that it deems helpful.

5. By amending Section 4.09.7(a).1. as follows:

- 1) The following design standards shall apply to all approvals and special permits for wireless telecommunications antennas and related equipment, fixtures and enclosures. They shall be as unobtrusive as possible when viewed from the street and from upper floors of nearby residences. Every effort should be made to have them blend in with the style and color of the building they are located upon and with the surrounding environment and not negatively impact property values

or environmentally sensitive areas, such as wetlands or historic sites. Where necessary, screening shall be provided to minimize visible impacts. Items for evaluation during the approval process include color, finish, size, location on building facade or roof, camouflaging, and screening. Greater setback from the edge of a building may be required, if it helps to minimize visual impacts and improves over-all aesthetics. **Noise impacts shall be minimized on surrounding areas through the use of best commercially available technology and noise dampers whenever possible.**

or act on anything relative thereto.

ARTICLE 8

To see if the Town will amend Section 7.00.1.c. of the Zoning By-Law as follows:

- c. No sign or other advertising device attached to a building shall project above the roof or parapet line nor more than 12 inches out from the wall to which it is attached. However, **a projecting sign constructed of wood, a composite of wood and plastic, metal, glass or another substantial material, or** a vertical banner sign, composed of pliable fabric or similar material, may project more than 12 inches perpendicular to the wall to which it is attached subject to the approval of the Planning Board. **Projecting and banner signs shall not be internally illuminated and shall maintain an 8' minimum clearance above the ground. The Planning Board may limit the number of projecting or banner signs on the facade of a building. In calculating the number of square feet of permitted signage, both sides of a projecting sign shall be included.**

or act on anything relating thereto.

ARTICLE 9

To see if the Town will amend the Zoning By-law and Map by incorporating the attached Map into the Zoning Map, and to amend the Zoning By-law as follows:

1. Add a new definition 2. under Section 2.07 – “G” DEFINITIONS:
“**2. GROUND-MOUNTED SOLAR PHOTOVOLTAIC INSTALLATION, LARGE OR SMALL – A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, unless it is located on the roof of a water reservoir or similar structure that is not designed for human occupancy. Such an installation is considered large-scale if it has a minimum nameplate capacity of at least 250 kW DC; all installations with a minimum nameplate capacity less than 250 kW DC are considered small-scale.**”
2. Add a new definition 2. under Section 2.15 – “O” DEFINITIONS, and renumber the section accordingly:
“**2. ON-SITE SOLAR PHOTOVOLTAIC INSTALLATION – A solar photovoltaic installation that is constructed at a location where other uses of the underlying property occur.**”
3. Add a new definition 1. Under Section 2.18 – “R” DEFINITIONS, and renumber the section accordingly:

“1. RATED NAMEPLATE CAPACITY – The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).”

4. Add a new overlay district under Section 3.01.4 – Overlay Districts:
“b. Solar Overlay District.”

5. Amend Table 4.07 to add a new **“Use #40D. Ground Solar Photovoltaic Installation,”** as follows:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
40D. Ground Solar Photovoltaic Installation, Large or Small *Permitted in the Renewable Energy Overlay District under site plan review. See Section 5.06.4.g for use regulations.	No	No	No	No	No	No	No	No	No

6. Add a new Section 5.06.4.h under *Special District Regulations*:

“h. Renewable Energy Overlay District (SOL)

- 1) The Town is interested in being designated a Green Community by the Commonwealth of Massachusetts. The Town is also committed to decreasing its carbon footprint by encouraging the development of alternative energy supplies. For these reasons, the Town has surveyed potential sites for a renewable energy facility and created this overlay district.

- 2) Notwithstanding any other portion of the Zoning Bylaw, including **Section 4.07 – Table of Uses**, the location of renewable energy generation facilities in the form of ground-mounted solar photovoltaic arrays shall be permitted by-right in this district. While both large- and small-scale solar photovoltaic facilities are allowed, large-scale solar photovoltaic facilities are encouraged.

- 3) **Compliance with Laws, By-laws and Regulations:** The construction and operation of all solar photovoltaic installations, large or small, shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a solar photovoltaic installation shall be constructed in accordance with the State Building Code.

- 4) No ground-based solar photovoltaic installation shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

- 5) **Site Plan Review:** Such facilities shall be subject to site plan review by the Planning Board to ensure that the facility is adequately set back from neighboring properties, reasonably shielded from view, and that utility connections are adequately screened. Such site plan review shall be conducted in accordance with the design review process outlined in **Section 7.03, paragraph 2**, of the Zoning Bylaw with the exception that such site plan review is not discretionary and any conditions attached cannot render a Large Scale Solar Facility (of at least 250 kW DC) infeasible. All plans and maps submitted for site plan review shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts. Pursuant to the site plan review process, the project proponent shall provide to the Planning Board the following documents:
- a. A site plan showing:
 - i. Property lines and physical features, including roads, for the project site;
 - ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, exterior lighting, screening vegetation or structures;
 - iii. Blueprints or drawings of the solar photovoltaic installation signed by a Professional Engineer licensed to practice in the Commonwealth of Massachusetts showing the proposed layout of the system and any potential shading from nearby structures;
 - iv. One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
 - v. Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
 - vi. Name, address, and contact information for proposed system installer;
 - vii. Name, address, phone number and signature of the project proponent, as well as all co-proponents or property owners, if any;
 - viii. The name, contact information and signature of any agents representing the project proponent; and
 - b. Documentation of actual or prospective access and control of the project site;
 - c. An operation and maintenance plan;
 - d. Zoning district designation for the parcel(s) of land comprising the project site (submission of a copy of a zoning map with the parcel(s) identified is suitable for this purpose);
 - e. Proof of liability insurance; and
 - f. Description of financial surety that satisfies subparagraph **13.c** of this section.

- 6) **Site Control:** The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed solar photovoltaic installation.
- 7) **Operation & Maintenance Plan:** The project proponent shall submit a plan for the operation and maintenance of the ground-mounted solar photovoltaic installation, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.
- 8) **Utility Notification:** No ground-mounted solar photovoltaic installation shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator's intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.
- 9) **Dimension and Density Requirements**
 - a. **Setbacks:** For ground-mounted solar photovoltaic installations, all setbacks from lots lines shall be at least 25 feet. As part of Site Plan Review, the Planning Board may require larger setbacks if appropriate for screening, provided, however, that such larger setbacks shall not have the effect of rendering a Large Scale Solar Facility (of at least 250 kW DC) infeasible.
 - b. **Appurtenant Structures:** All appurtenant structures to ground-mounted solar photovoltaic installations shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.
- 10) **Design Standards**
 - a. **Lighting:** Lighting of ground-mounted solar photovoltaic installations shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and away from residential structures and shall incorporate full cut-off fixtures to reduce light pollution.
 - b. **Signage:** Signs on ground-mounted solar photovoltaic installations shall comply with the regulations of Article 7. A sign consistent with these regulations shall be required to identify the owner and provide a 24-hour emergency contact phone number. Solar photovoltaic installations shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation.

- c. Utility Connections: Reasonable efforts, as determined by the Building Commissioner, shall be made to place all utility connections from the solar photovoltaic installation underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider, however, they shall be screened from view.

11) Safety and Environmental Standards

- a. Emergency Services: The large scale solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local fire chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.
- b. Land Clearing, Soil Erosion and Habitat Impacts: Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the ground-mounted solar photovoltaic installation, or otherwise prescribed by applicable laws, regulations, and bylaws.

12) Monitoring and Maintenance

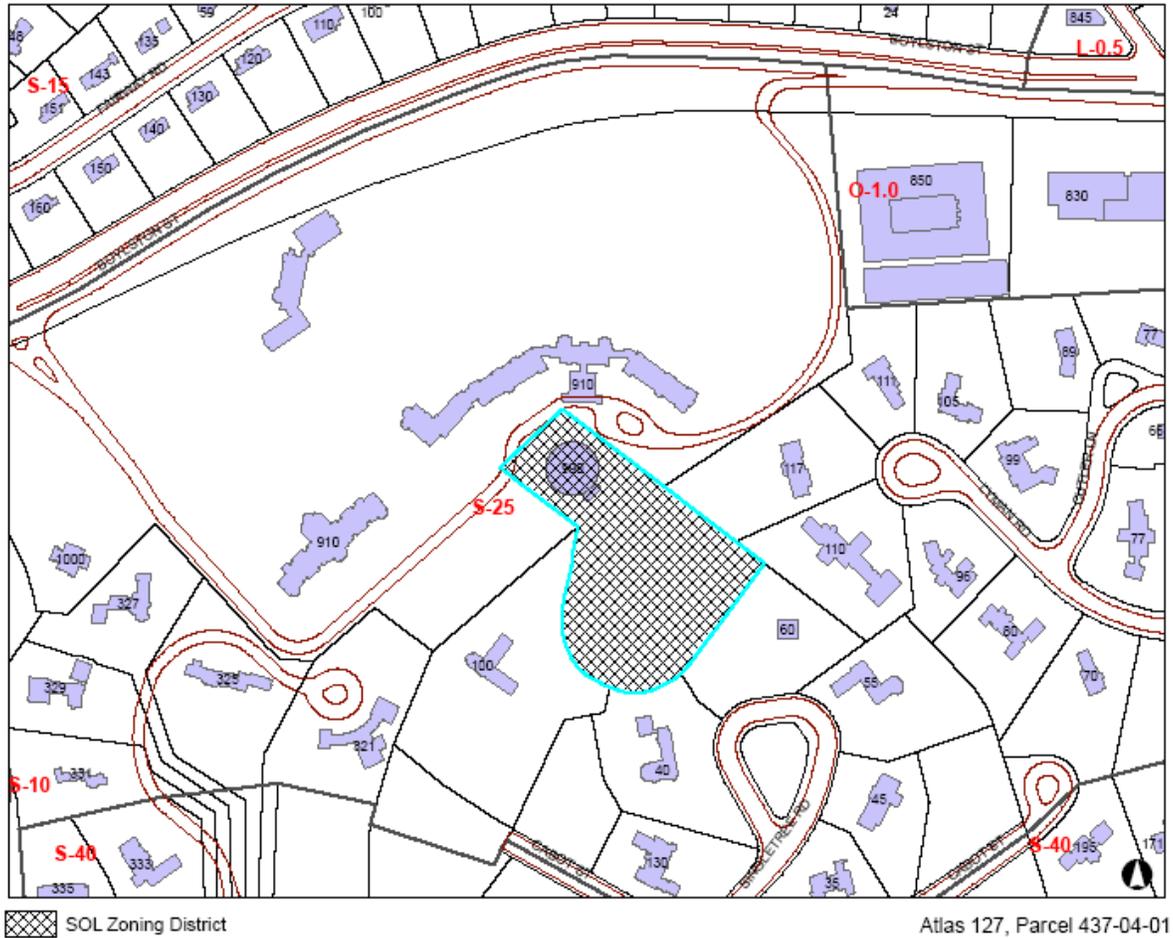
- a. Solar Photovoltaic Installation Conditions: The ground-mounted solar photovoltaic installation owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level applicable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.
- b. Modifications: All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

13) Abandonment or Decommissioning

- a. Removal Requirements: Any ground-mounted solar photovoltaic installation that has reached the end of its useful life or has been abandoned consistent with sub-paragraph 13.b of this section shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Building Commissioner by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning of the installation shall consist of:
 - i. Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment security barriers and transmission lines from the site.

- ii. Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
 - iii. Stabilization or re-vegetation of the site as necessary to minimize erosion. The Building Commissioner may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.
- b. Abandonment: Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.
- c. Financial Surety: Proponents of ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Building Commissioner, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.”

Renewable Energy Overlay District (SOL)



or act on anything relative thereto.

ARTICLE 10

To see if the Town will amend the Zoning By-Law establishing new residential parking requirements by:

1). Replacing the “residential” column of the TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS, Section 6.02, and reformatting the table, into two tables as follows:

RESIDENTIAL					
Single-Family Detached	Single-Family Attached (Townhomes) and Two/Three-Family	Multi-Family Studio/1 bdrm	Multi-Family 2 bdrms	Multi-Family 3 bdrms	Hotel**
Parking Spaces Per Dwelling Unit					
2 / 2-3 <u>2</u>	2 / 2-3 <u>1.3</u>	2 <u>.8</u>	2 <u>1.2</u>	2-3 <u>1.4</u>	4 <u>.5</u>

**For use 8A. Limited Service Hotel in the G-1.75 (LSH) Limited Service Hotel District, the minimum number of spaces for each dwelling unit shall be 0.5 and no additional spaces shall be required for floor areas used for eating, drinking, dancing, meeting halls or similar purposes.

		PUBLIC ASSEMBLY**	INSTITUTION	RETAIL & OFFICE			INDUSTRIAL	WAREHOUSE & OTHER
		(Number of seats requiring one space)		General		Medical & Dental		
				Ground Floor	Other			
		(Number of square feet of gross floor area requiring one space)						
ZONING DISTRICT DEFINED BY MAXIMUM FLOOR AREA RATIO	0.15	3	350	200*	400*	200*	800*	1200*
	0.20							
	0.25							
	0.30							
	0.35							
	0.40	4	450	200	400	200	800	1200
	0.50							
	0.75							
	1.00	5	550	350	600	250	800*	1200
	1.50							
1.75								
2.00								
2.50								

*Applicable to nonconforming uses.

**For use 8A. Limited Service Hotel in the G-1.75 (LSH) Limited Service Hotel District, the minimum number of spaces for each dwelling unit shall be 0.5 and no additional spaces shall be required for floor areas used for eating, drinking, dancing, meeting halls or similar purposes.

***The greater requirement shall be provided for each dwelling unit containing more than two bedrooms and for each attached single-family dwelling containing two or more bedrooms. Bedrooms shall include any habitable room containing at least 100 square feet of area which could be converted to a bedroom other than a bathroom, kitchen, or living room.

§6.02, paragraphs 2. through 7. contain additional requirements by type of use.

2) Amend 6.01 2.a. As follows:

2.a. In SC, T, F, M, L, or G Districts, when a structure is converted for one or more additional dwelling units and the conversion results in an increased parking requirement, parking requirements for the entire structure shall be provided in

accordance with the requirements in 6.02 and 6.05. However, the Board of Appeals by special permit under Article IX may waive not more than one-half the minimum number of parking spaces required under 6.02 and 6.05.

3) Removing 6.02 2.e. as follows and re-lettering all the remaining subparagraphs:

~~2.e. For a dwelling unit which is occupied by three or more unrelated persons (including lodgers), the parking requirement for the dwelling unit shall be twice that indicated in the Table of Off-Street Parking Space Requirements in 6.02.~~

4) Amend 6.02 2.f. As follows:

2.ef. For residential uses in M, L, and G districts, where the number of required parking spaces exceeds 20 spaces, ten percent 5 percent of all required parking spaces shall be designated and marked for use by visitors and trades people. For mixed-use properties the number of visitor spaces shall be based on the parking requirement for the residential use only with at least 10% of the total gross floor area used for commercial purposes, this requirement shall be waived.

5) Amending Use number 22 in the TABLE OF USE REGULATIONS, Section 4.07, As follows:

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
22. Residential parking garage or parking area, whether as the sole use of a lot or as a secondary use, solely for the storage of cars of residents of other lots located within 1,400 feet. <u>*By right for five or fewer spaces as a secondary use on pre-existing parking areas. When a new secondary use parking area is created on a lot with residential structures, up to 2 spaces per dwelling unit on residential lots <10,000 sq. ft., and up to 3 spaces per dwelling unit on residential lots >10,000 sq. ft. are permitted by right, as long as the total number of parking spaces on the lot does not exceed these limits. When a new parking area is created as a sole use or secondary use to a non-residential structure, up to five spaces shall be permitted by special permit.</u> <u>** For existing paved areas, by right for five or fewer spaces, or 20% of the total number of on-site parking spaces, whichever is greater.</u>	No*	No*	SP*	SP*	SP**	Yes	Yes	Yes	Yes

6) Amending Use number 54, and Use number 55, in the TABLE OF USE REGULATIONS, Section 4.07, as follows:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
54. An accessory private garage or parking area for noncommercial motor vehicles belonging to occupants or users of the lot , with not more than: two spaces per dwelling unit on that lot, except that there may be three spaces for a single-family dwelling on a 10,000 sq. ft. or larger lot; four spaces for a permitted nonresidential use.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
55. Other private garage* or parking for more non-commercial motor vehicles belonging to occupants or users of the lot than permitted in Use 54.	SP	SP	SP No	SP No	SP No	Yes	Yes	Yes	Yes

or act on anything relative thereto.

ARTICLE 11

To see if the Town will amend the third paragraph of Section 2.5.2 of the Town By-Laws as follows: (**bold language** is new; ~~strike-out language~~ is deletion)

SECTION 2.5.2 COMBINED REPORTS

The Combined Reports shall include, with each recommendation of the Board of Selectmen, **the Advisory Committee, and any other Town board or committee which takes a formal vote on a recommendation**, a roll-call showing the vote of each member; ~~and shall include, with each recommendation of the Advisory committee, a statement of the number of members voting for and against the recommendation and the date of the vote. When a minority report is presented, the Combined Reports shall identify the members supporting the minority report.~~

or act on anything relative thereto.

ARTICLE 12

To see if the Town will amend the General By-Laws by adding Article 7.12 as follows:

7.12 Prohibition on Transporting Children or Babies by Bicycle

Bicyclists are prohibited from carrying, transporting, babies or children of any age on bicycles, with or without the use of tandems, baskets, rear bicycle seats, carriers, or any and all attachments to transport children or babies.

or act on anything relative thereto.

ARTICLE 13

To see if the Town will amend the General By-Laws as follows (**bold language** is new):

Amend Section 8.27 (Wetlands Protection Bylaw), paragraph 8.27.2.i:

RESOURCE AREAS - Land under lakes, ponds, rivers or streams; any bank, marsh, wet meadow, bog or swamp bordering on any lake, pond, river or stream; land subject to flooding bordering on any lake, pond, river or stream; **isolated land subject to flooding**; isolated vegetated wetlands; riverfront areas; and vernal pools.

ARTICLE 14

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 CERTAIN LOCAL VOTING RIGHTS FOR PERMANENT LEGAL RESIDENTS RESIDING IN BROOKLINE

Be it enacted, etc., as follows:

Section 1. Notwithstanding the provision of section one of chapter fifty-one of the General Laws, or any other general or special law, rule or regulation to the contrary, permanent legal residents eighteen years of age or older who reside in Brookline may, upon application, have their names entered on a list of voters established by the Town Clerk for the Town of Brookline and may thereafter vote in any election for local office, including but not limited to Selectmen, School Committee, Town Meeting, and Library Trustees, as well as local ballot questions distinct to Brookline.

Section 2. The Brookline Board of Selectmen, in consultation with the Town Clerk, is authorized to formulate regulations and guidelines to implement the purpose of this act.

Section 3. For the purposes of this act, a permanent legal resident is a non-U.S. citizen with primary residence in Brookline who has been given the privilege, according to the immigration laws, of residing permanently as an immigrant with the issuance of a "green card" from the Bureau of Citizenship and Immigration Services.

Section 4. Nothing in this act shall be construed to confer upon legal resident aliens the right to run for public office, or the right to vote for any state or federal office or any state or federal ballot question.

Section 5. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 15

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 AMENDING CHAPTER 51 OF THE ACTS OF 2010 TO REFLECT THE PASSAGE OF CHAPTER 398 OF THE ACTS OF 2008 AND TO MAKE CERTAIN OTHER CORRECTIONS

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Section 1 of chapter 51 of the acts of 2010 is hereby amended by inserting after the figure “1974” in line 1 the following: “as amended by section 1 of chapter 487 of the acts of 1996.”

SECTION 2. Section 1 of chapter 51 of the acts of 2010 is further amended by striking out the word “department” in the second sentence thereof and inserting in its place the word “division.”

SECTION 3. Section 2 of said chapter 51 of the acts of 2010 is hereby amended by striking out the words “amended by section 1 of chapter 85 of the acts of 2006” and inserting in place thereof the following: “most recently amended by chapter 398 of the acts of 2008.”

SECTION 4. Section 4 of said chapter 51 of the acts of 2010 is hereby amended by striking out the words “amended by section 1 of chapter 85 of the acts of 2006” and inserting in place thereof the following: “most recently amended by chapter 398 of the acts of 2008.”

SECTION 5. Section 4 of said chapter 51 of the acts of 2010 is further amended by striking out the word “third” in the first sentence and inserting in place thereof the word “fourth.”

SECTION 6. Said chapter 51 of the acts of 2010 is hereby amended by striking out section 5 and inserting in place thereof the following: “SECTION 5. The fifth paragraph of section 4 of said chapter 317 of the acts of 1974, as amended by said chapter 398 of the acts of 2008, is hereby amended by inserting before the first sentence of the paragraph the following sentence: “Except as set forth herein with regard to taxi license sales, the following describes the appeal procedures applicable to any board action.”

SECTION 7. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 16

To see if the Town of Brookline will vote to dedicate the land known as Fisher Hill Reservoir Park, consisting of 9.7 acres, more or less, as shown on a plan entitled “Plan of Land Showing Conservation and Preservation Restriction Areas at the Fisher Hill Reservoir”; a copy of which is attached and incorporated herein as Exhibit A, for park purposes under the provisions of Massachusetts General Laws, Chapter 45, Section 14, and as it may hereafter be amended and other Massachusetts statutes relating to public parks and playgrounds and as further provided in Chapter 20 of the Acts of 2008, to be managed and controlled by the Department of Public Works, Parks and Open Space Division of the Town of Brookline, and that the Commissioner of the Department of Public Works with the approval of the Board of Selectmen be authorized to file on behalf of the Town of Brookline any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts deemed necessary under the

Land and Water Conservation Fund Act (P.L. 88-578, 78 Stat 897) and/or any others in any way connected with the scope of this Article, and the Commissioner of the Department of Public Works be authorized to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town of Brookline with the approval of the Board of Selectmen to affect the park development, and to see if the Town will vote to appropriate \$500,000, or any other sum, for improvements to said Fisher Hill Reservoir Park including all costs incidental or related thereto, which sum shall be in addition to the \$1,350,000 appropriated for purchasing the State-owned reservoir at Fisher Hill and making said property safe and accessible to the public under Article #7, Item #57 of the warrant at the May 29, 2007 Town Meeting; and to determine whether this appropriation shall be raised by borrowing or otherwise; provided that any amount borrowed shall be reduced by the amount of any aid received. Or act on anything relative thereto.

ARTICLE 17

To see if the Town will amend the language of its vote taken on Wednesday, November 18, 2009, under Article No. 9, at the Special Town Meeting called for Tuesday, November 17, 2009 by striking the words “Chapter 218 of the Acts of 2000” and replacing them with “Chapter 20 of the Acts of 2008” so that the amended vote shall read as follows (new language in Bold and underlined):

VOTED: That the Town authorize and empower the Board of Selectmen to purchase and take title on behalf of the Town, for a minimum amount of \$1.00, or a greater amount not to exceed \$800,000, the land and building 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 20 of the Acts of 2008**; 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.

ARTICLE 18

To see if the Town will vote to accept a grant of a surface water drain easement from the Massachusetts Bay Transportation Authority, a body politic and corporate, and a political subdivision of the Commonwealth of Massachusetts (“MBTA”) in a portion of land at or near Station Street and Pearl Street in order for the Town to keep its water and sewer pipe in the location described below and to have access to such area. Said easement is situated at or near the MBTA Brookline Village Green Line Station in Norfolk County and contains approximately 1233 square feet as shown on a plan entitled “Plan to Accompany an Easement for a Surface Water Drain Through land of the Massachusetts bay Transportation Authority”, dated April 5, 2010 prepared by the Department of Public Works Engineering/Transportation Division to be recorded at the Norfolk Registry of

Deeds upon acceptance by the Town, said parcel of land being bounded and described as follows:

Beginning at a point 56.83 feet N57-13-42E of the angle point on the westerly side of Pearl Street at the MBTA Brookline Village Station.

Thence: running N33-18-52W through land of the MBTA sixty five and seventy two hundreds feet (65.72') to a point at Station Street.

Thence: turning and running N61-26-13E along Station Street twenty and seven hundreds feet (20.07') to a point.

Thence: turning and running through land of the MBTA sixty and seventy four hundreds feet (60.74') to Pearl Street.

Thence: turning and running S59-55-10W along Pearl Street seventeen and four hundreds feet to a point.

Thence: turning and running S32-10-37E along Pearl Street four and thirty one hundreds feet to a point.

Thence: turning and running S57-13-42W along Pearl Street two and ninety hundreds feet to the point of beginning.

Said easement containing one thousand two hundred thirty three square feet (1233s.f.).

or act on anything relative thereto.

ARTICLE 19

To see if the Town will adopt the following resolution:

Resolution to Change the Scheduling of Town Meetings

WHEREAS Town Meeting has regularly met on Tuesday, Wednesday, and Thursday evenings until it has concluded its business; and

WHEREAS a number of Town Meeting members find this schedule inconvenient for various reasons; and

WHEREAS a number of Town Meeting members believe that a schedule of two meetings per week may facilitate greater deliberation and lead to participation by a broader range of Brookline citizens; and

WHEREAS a number of Town Meeting Members have urged a schedule of only two evenings per week; and

WHEREAS other Town Meeting Members prefer the current schedule,

NOW THEREFORE BE IT RESOLVED that Town Meeting intends, as an experiment, that the 2011 Annual Town Meeting be held on two non-consecutive evenings per week and asks the Selectmen and the Moderator to schedule accordingly.

or act on anything relative thereto.

ARTICLE 20

To see if the Town will take the following action:

“Resolved, that the Transportation Board adopt standards for determining when the benefits of prohibiting a right turn on red (“RTOR”) outweigh the detrimental environmental consequences and traffic inefficiencies resulting from such a prohibition, conduct a study of all traffic intersections in the Town at which there is a traffic light and a sign or signs not permitting a RTOR, make a separate determination with respect to each such intersection as to whether the standards for prohibiting a RTOR have been met , and remove all such signs at intersections that do not meet such standards.

Further Resolved, that the actions in the foregoing resolution be completed by the Spring 2011 Town Meeting and that the Transportation Board report to the Spring 2011 Town Meeting on the standards that it has adopted for determining when to prohibit a RTOR and which traffic intersections it has determined do not justify the removal of signs prohibiting RTOR”

or act on anything relative thereto

ARTICLE 21

To see if the Town will enact a resolution requesting that grocers, restaurants, caterers, organizations, and other purveyors of food immediately cease the sale or public serving of veal to the public within the Town of Brookline, such resolution to state as follows:

WHEREAS calves are particularly abused in order to enhance their appeal to consumers;

WHEREAS the American Veal Association has itself acknowledged this abuse by calling for the end of veal crate use by the industry by 2017;

WHEREAS Brookline Town Meeting has historically provided the platform for providing input into what foods can and cannot be served by local food purveyors;

WHEREAS few proprietors in Brookline sell or serve veal and hence there would be scant economic implications for local businesses;

WHEREAS it is important for Brookline residents to become aware of the unusual cruelty associated with raising calves intended for human consumption;

Now, therefore, be it hereby Resolved that all food purveyors be requested to immediately suspend the sale and/or serving of veal products to the public within the Town of Brookline.

or act on anything relative thereto.

ARTICLE 22

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 fourteenth day of September, 2010.

BOARD OF SELECTMEN

