

WARRANT

THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
ANNUAL 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 TWENTY-FOURTH day of MAY, 2011 at 7:00 o'clock in the evening for the Annual 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 establish that the number of Measurers of Wood and Bark be two, to be appointed by the Selectmen, or act on anything relative thereto. (Selectmen)

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 authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2012 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 4

To see if the Town will authorize the Comptroller to close out either all or a portion of the unexpended balances in certain Special Appropriations and return said sums to the Surplus Revenue accounts, or act on anything relative thereto.

ARTICLE 5

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 the previous 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 6

To see if the Town will elect to establish an additional property tax exemption for fiscal year 2012 which shall be uniform for all exemptions, in accordance with Section 4 of

Chapter 73 of the Acts of 1986, as amended by Chapter 126 of the Acts of 1988, and accept said Section 4, as amended, or act on anything relative thereto.

ARTICLE 7

To see if the town will approve adjustments to the factors applicable to the qualification for the Elderly Tax Exemption provided for and as permitted in General Laws Chapter 59, section 5, clause 41C as follows:

1. To reduce the requisite age of eligibility from 70 years of age to 65 years of age;
2. To increase the income limit described as the preceding year's gross receipts from all sources from \$13,000 to \$20,000 for single taxpayers;
3. To increase the asset limit described as the whole estate real and personal, from \$28,000 to \$40,000 for single taxpayers;
4. To increase the income limit described as the preceding year's combined gross receipts with his/her spouse from \$15,000 to \$30,000 for married taxpayers;
5. To increase the asset limit described as the whole estate real and personal, from \$30,000 to \$55,000 for married taxpayers; and
6. To exclude from the computation of the whole estate that real property occupied as his/her/their domicile except for any portion of said property which produces income and exceeds three dwelling units.

or act on anything relative thereto.

ARTICLE 8

To see if the Town will raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2011 budget or transfer funds between said accounts, or act on anything relative thereto.

ARTICLE 9

To see if the Town will:

A.) Fiscal Year 2012 Budget

Appropriate the sums, or any other sum or sums, requested or proposed by the Selectmen or by any other officer, board or committee, for the fiscal year 2012 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, and fix the salaries of all elected officers as provided for in General Laws, Chapter 41, Section 108; authorize the leasing, leasing with the option to purchase, or installment purchase of equipment; stabilization fund as provided for in General Laws Chapter 40, Section 5B; authorize the continuation of all revolving funds in accordance with G.L. Chapter 44, Section 53E½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F½, and as otherwise authorized; and provide for a reserve fund.

B.) Fiscal Year 2012 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$265,000, or any other sum, to be expended under the direction of the Chief Information Officer, with the approval of the Board of Selectmen, for the enhancement of town-wide hardware and software.
- 2.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the refurbishment of Fire Engine #6.
- 3.) Appropriate \$625,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for making extraordinary repairs to Fire Stations.
- 4.) Appropriate \$110,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Council on Aging, for carpet replacement at the Senior Center.
- 5.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen and the Library Trustees, for interior repairs at the libraries.
- 6.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Director of Planning and Community Development, with the approval of the Board of Selectmen, for commercial area improvements.
- 7.) Appropriate \$1,750,000, 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 rehabilitation of streets.
- 8.) Appropriate \$269,000, 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 rehabilitation of sidewalks.
- 9.) Appropriate \$50,000, 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 bicycle access improvements.
- 10.) Appropriate \$25,000, 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 streetlight replacement and repairs.
- 11.) Appropriate \$45,000, 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 rehabilitation of Town-owned parking lots.
- 12.) Appropriate \$25,000, 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 repairs to the floor at the Municipal Service Center.

- 13.) Appropriate \$280,000, 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 renovation of playground equipment, fields, and fencing.
- 14.) Appropriate \$135,000, 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 rehabilitation of Town and School grounds.
- 15.) Appropriate \$160,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Tree Planting Committee, for the removal and replacement of trees.
- 16.) Appropriate \$660,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the renovation of Billy Ward Playground.
- 17.) Appropriate \$510,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the renovation of Clark Playground.
- 18.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for repairs to the retaining wall at Larz Anderson Park.
- 19.) Appropriate \$80,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the renovation of Waldstein Playground.
- 20.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen and the Park and Recreation Commission, for the renovation of Warren Field / Playground.
- 21.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Recreation Director, with the approval of the Board of Selectmen and the Park and Recreation Commission, for ultraviolet (UV) filters at the Evelyn Kirrane Aquatics Center.
- 22.) Appropriate \$30,000, or any other sum, to be expended under the direction of the Recreation Director, with the approval of the Board of Selectmen and the Park and Recreation Commission, for replacement of the pavilion floor at the Jack Kirrane Skating Rink at Larz Anderson Park.
- 23.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for removal of hazardous materials from Town and School buildings.

- 24.) Appropriate \$60,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for ADA renovations to Town and School buildings.
- 25.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for improvements to life safety systems and building security in Town and School facilities.
- 26.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for improvements to elevators in Town and School facilities.
- 27.) Appropriate \$125,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for energy conservation projects in Town and School buildings.
- 28.) Appropriate \$75,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for upgrades to energy management systems in Town and School buildings.
- 29.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen, for masonry repairs in Town and School buildings.
- 30.) Appropriate \$25,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen and the School Committee, for school furniture upgrades.
- 31.) Appropriate \$50,000, or any other sum, to be expended under the direction of the Chief Information Officer, with the approval of the Board of Selectmen and the School Committee, for the replacement of intercom systems at School buildings.
- 32.) Appropriate \$130,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for engineering or architectural services for plans and specifications for remodeling, reconstructing, or making extraordinary repairs to the Unified Arts Building (UAB).
- 33.) Appropriate \$750,000, or any other sum, to be expended under the direction of the Building Commission, with the approval of the Board of Selectmen and the School Committee, for making extraordinary repairs to the auditorium at the Pierce School.
- 34.) To see if the Town will vote to appropriate, borrow or transfer from available funds, \$8,500,000, or any other sum, to be expended under the direction of the School Building Committee, with the approval of the School Committee and Board of Selectmen, for additions and renovations at the Heath School located at 100 Eliot Street in the Town of Brookline, Massachusetts and as further described as Parcel I.D. No. 277-01-00 in the Town of Brookline Assessor's map and database, 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) 39.93% of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA;

- 35.) Appropriate \$500,000, 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 improvements to the storm drain system.
- 36.) Appropriate \$1,000,000, 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 water main improvements.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, borrowed or provided by any combination of the foregoing, and authorize the leasing, leasing with an option to purchase, or the installment purchase of any equipment or any capital items; 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, gifts, reimbursements, and aid from both federal, state, and other sources and agencies for any of the purposes noted in this Article, or act on anything relative thereto.

ARTICLE 10

To see if the Town will amend Article 5.6 of the Town's By-laws, entitled Preservation Commission & Historic Districts By-law, in the following manner:

By deleting Section 5.6.3. (f) and substituting new sections 3 (f) and 3 (g) therefore:

"(f) Lawrence Local Historic District

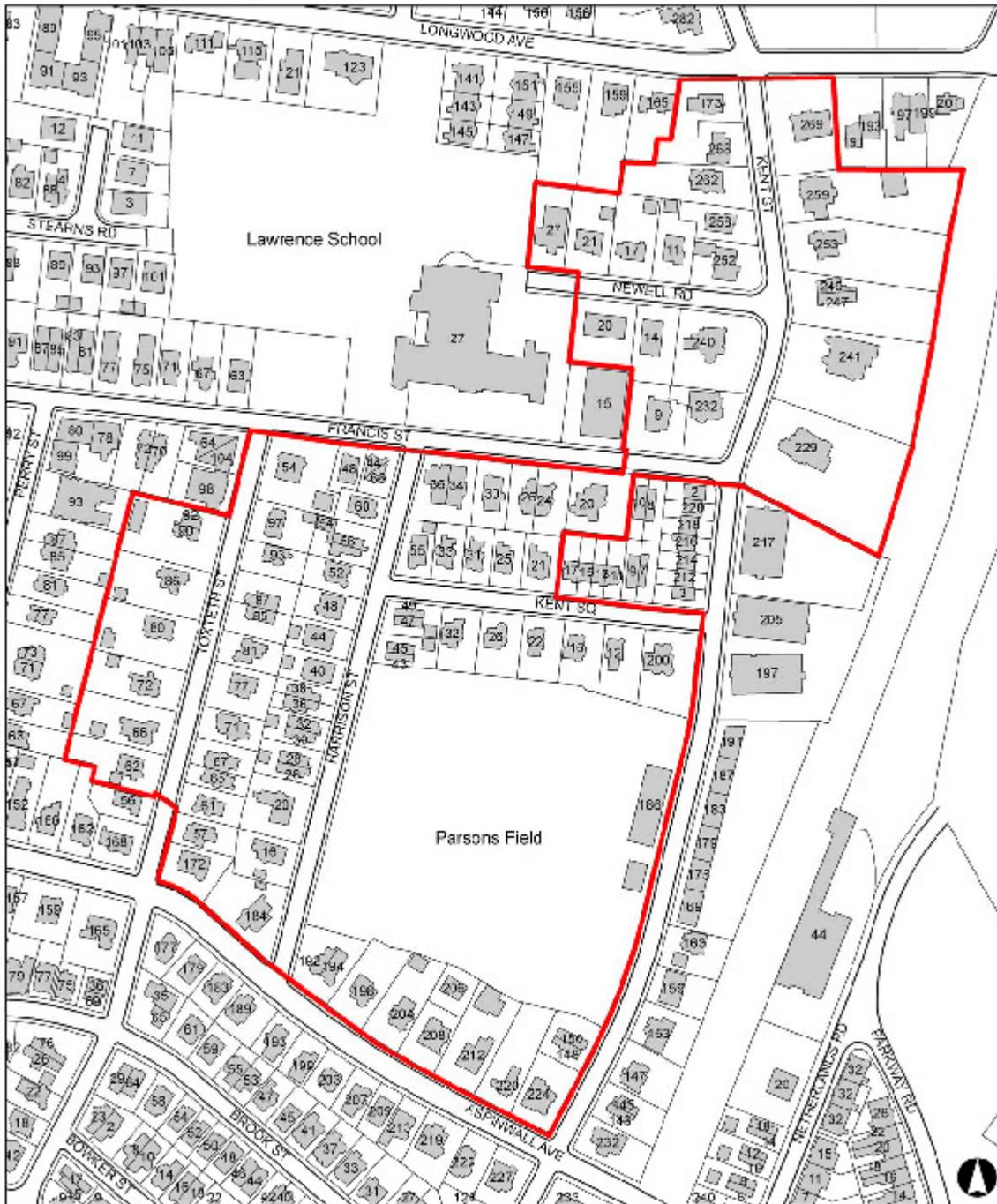
There is hereby established an Historic District, to be entitled the "Lawrence Historic District", the boundaries of which shall be shown on the map entitled "Lawrence Historic District", a copy of which is on file with the Town Clerk's office, which accompanies and is hereby declared to be part of this By-law.

(g) Other Historic Districts

Other Historic Districts within the Town may be established from time to time in accordance with the procedures set forth in Chapter 40C of the Massachusetts General Laws, as amended from time to time."

or act on anything relative thereto.

Proposed Lawrence Local Historic District



 Lawrence LHD

Town Meeting May 2011

Submitted March 10, 2011

ARTICLE 11

To see if the Town will mend the General By-Laws by adding a Section 7.7.7 to Article 7.7 Removal of Snow and Ice from Sidewalks as follows,

Section 7.7.7 Town Responsibility for Plowing and Sanding Sidewalks in Residential Districts.

Notwithstanding the provision of 7.7.1 to 7.7.6 inclusive, the Town shall be responsible for plowing and sanding sidewalks in residential districts.

or act on anything relative thereto.

ARTICLE 12

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

1. By adopting the following map change creating a Cleveland Circle Hotel Overlay District.
2. By amending Section 3.01.2.a.2 to add the following reference at the end
“Cleveland Circle (Refer to §5.06, Special District Regulations)”
3. By amending Section 3.01.4 by adding a new item at the end:
“c. Cleveland Circle Hotel Overlay District”
4. By amending Section 4.07 - Table of Use Regulations - to allow limited service hotels, certain retail, and a restaurant by Special Permit in the Cleveland Circle Hotel Overlay District, as follows:
 - a. Use 8A, Limited Service Hotel – Adding “*” after “No” in column “L” and amending the first footnote as follows: “*Permitted by Special permit in M-2.5 and in the Cleveland Circle Hotel Overlay District.” and
 - b. Use 34, Restaurant greater than 5,000 square feet - Adding “*” after “No” in column “L” and adding the following after the description of Use 34 in the Use Table “*Permitted by Special Permit in the Cleveland Circle Hotel Overlay District.”
5. By amending Section 5.01 - Table of Dimensional Requirements - by adding Footnote 19 after the words “L-0.5 & L-0.5 (CL) Districts”, which Footnote 19 shall read as follows:

“19. See **Section 5.06 - Special District Regulations, subsections f.** Cleveland Circle Local Business District L-0.5 (CL) and **h.** Cleveland Circle Hotel Overlay District.”
6. By amending Section 5.06.4.f - Cleveland Circle Local Business District L-0.5 (CL) - by adding a new item at the end:

“4) In any review of a project that is located across municipal boundaries, the project and improvements shall be reviewed as a single lot, without regard to municipal boundaries, in connection with parking requirements or setbacks. Additionally, any Design Review per Section 5.09 shall include review and approval of the entire length of the façade facing the MBTA property line as

well as any lighting proposed along this length, irrespective of municipal boundaries. Such façade shall be designed and constructed with care and quality of finishes equivalent to the northern façade.”

7. By amending Section 5.06.4 - Special Districts - by adding a new item as follows:

“h. Cleveland Circle Hotel Overlay District

- 1) It has been determined through study of the Local Business District in Cleveland Circle that potential exists for appropriate, planned redevelopment of the western side of this Local Business 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 that this is an appropriate district for development density consistent with transit oriented development schemes. For this reason, additional uses typical of transit oriented developments may be permitted under the criteria of this section, as long as such development is planned in a way consistent with other pedestrian-friendly commercial properties in Cleveland Circle.
- 2) Any applicant may seek relief under this Overlay District by Special Permit per Section 9.03 and Design Review by Section 5.09, provided it meets the following requirements within the Town of Brookline:
 - a) It contains a minimum of 40 Limited Service Hotel guest rooms.
 - b) The Floor Area Ratio of the proposed project shall be no less than 2.2 and no greater than 2.5.
- 3) For the purposes of this Overlay District, any proposed building shall be permitted to have more than one principal use. For example, a restaurant greater than 5,000 square feet under separate ownership and operation from a Limited Service Hotel may be located in the same building as the Limited Service Hotel without being considered as an accessory use, or as part of the Limited Service Hotel use.
- 4) Any application requesting relief under this Overlay District shall be subject to the following dimensional requirements, superseding any conflicting requirements in **Article 5** of the Zoning Bylaw. Any other dimensional relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.
 - a) Maximum Floor Area Ratio: There is a strong desire for pedestrian-friendly uses along Chestnut Hill Avenue in this Overlay District, which has a grade change of more than 8’ along this edge of the District. Therefore, with regards to calculating Gross Floor Area in this Overlay District, up to 10,000 square feet of area on the ground floor fronting Chestnut Hill Avenue may have finished floor to ceiling heights greater than 12’, but no greater than 18’, without requiring the Gross Floor Area to be

calculated by multiplying this area by a factor greater than 1 where the floor to ceiling height exceeds 12'.

b) Setbacks and Build-to Lines:

1. Buildings shall not be greater than 15 feet nor less than 5 feet from the frontage of Chestnut Hill Avenue; and
2. Any portion of building within 50' of the frontage of Chestnut Hill Avenue that is above three stories shall be set back not less than 5 feet from lower floors, along all facades. For the purposes of this Overlay District, "Story" shall be defined as that portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above, whether or not such space is enclosed; and
3. Buildings shall be set back not less than 5 feet from the MBTA right-of-way.

c) The maximum height permitted is 56 feet;

d) Substantial rooftop structures such as observation towers, elevator penthouses and mechanical equipment shall not be located within 15' of the MBTA property line.

e) A screen fence along the property line with the MBTA right-of-way which exceeds a height of seven feet may be allowed by Special Permit granted by the Board of Appeals.

5) Parking requirements for Special Permit applications utilizing this Overlay District shall be as follows, superseding any conflicting requirements under **Article 6**:

a) Minimum Parking ratios:

1. Limited Service Hotel use: 0.5 parking spaces per hotel room
2. Retail use: 0.75 parking spaces per 1,000 g.s.f. of floor area
3. Restaurant use: 1 parking space per 1,000 g.s.f. of floor area
4. Office/Medical office use: 1 parking space per 1,000 g.s.f. of floor area

b) Subject to the approval of the Brookline Director of Transportation and Engineering, the required off-street loading facilities under Section 6.06.6 may be limited to the provision of 2 loading bays.

c) Any other parking relief sought shall be pursued as per any other relevant sections of this Zoning Bylaw.

6) The following traffic mitigation measures shall be required, subject to the review and approval of the Brookline Director of Transportation and Engineering:

- a) Vehicle ingress and egress:
1. Vehicle ingress and egress to and from Chestnut Hill Avenue shall be via no more than one curb cut two lanes in width, controlled by a traffic signal. Such traffic signal shall include demand-actuated technology such that the light phase for egress from the Overlay District will not be triggered when there is no demand.
 2. A segregated parking facility containing not less than 60 vehicle parking spaces shall be provided for the exclusive use of the Limited Service Hotel guests, visitors and employees. Vehicle egress for all users of this segregated parking facility shall be via the one-way rear exit roadway easement to Beacon Street. Both signage and physical barriers shall prohibit any vehicles entering the Limited Service Hotel segregated parking facility from exiting that facility back onto Chestnut Hill Avenue. To the extent a parking area is established to be shared by multiple uses, hotel users (except for taxicab/shuttle service vehicles and deliveries) parked in the shared parking area shall be required to exit the one way rear exit roadway to Beacon Street and other users shall exit via Chestnut Hill Avenue.
 3. Vehicle egress for all uses other than that of the Limited Service Hotel and for taxicab/shuttle service vehicles and deliveries shall be via the single Chestnut Hill Avenue curb cut. All vehicles exiting the site onto Chestnut Hill Avenue must be able to make either a left or a right turn. No right turn on a red light shall be permitted from the site onto Chestnut Hill Avenue.
 4. Taxicab stand and taxi pickup and drop-off shall be provided in an adjacent area on both the Brookline and the Boston segments of the site.
- b) Final traffic design and mitigation shall be required and include the potential impact of the redevelopment of any directly abutting parcels, regardless of municipal boundaries. Specifically, the traffic design and mitigation shall allow for no more than a total of 110,000 square feet of Limited Service Hotel use; 48,000 square feet of office or medical office; and 18,000 square feet of restaurant or retail use.
- c) Pedestrian improvements shall include:
1. Improvements to two pedestrian crossings across Chestnut Hill Avenue, including at Cleveland Circle as well as the crossing aligned with vehicular turn-around at the MBTA station south

of the MBTA right-of-way. A third pedestrian crossing shall be provided where the signal for the Chestnut Hill Avenue entrance will be located, near the Boston/Brookline boundary, if approved by the Brookline Director of Transportation and Engineering as well as Boston Transportation Department.

2. Sidewalk improvements on the western side of Chestnut Hill Avenue shall include a minimum 10' wide sidewalk from the Brookline Boundary to the MBTA bridge and a replacement of sidewalk from the MBTA bridge to Clinton Road.
- 7) Noise. A required condition for any Special Permit under this Overlay shall be an enforceable agreement and/or condition to the Special Permit that requires the property owner to comply with the requirements any Noise By-law or ordinance of both Brookline and Boston, without regard to municipal boundaries.

or act on anything relative thereto.

ARTICLE 13

To see if the Town will amend the Zoning By-Law to exclude long-term occupancy in hotels as follows: **(new language in bold)**

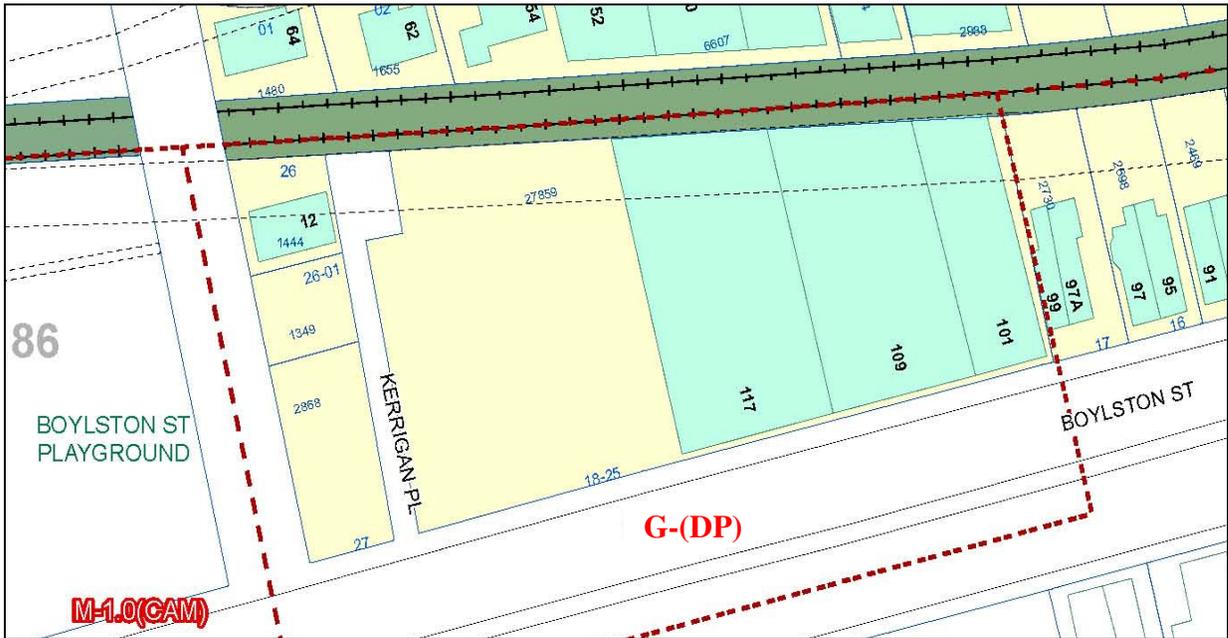
1. In §2.08.5, amend the definition of “Hotel” by adding language at the end of the current definition as follows:
 5. HOTEL – A structure in which sleeping accommodations are let for compensation primarily to transients and in which a public eating facility is provided **and where all room or rooms fall within the definition of M.G.L. 64G, §1(g) as may be amended.**
2. In §2.12.1, amend the definition of “Limited Service Hotel” as follows:
 1. LIMITED SERVICE HOTEL– A ~~hotel~~ **structure in which sleeping accommodations are let for compensation primarily to transients** in which no more than 5,000 square feet of space is used for eating, drinking, dancing, meeting halls or similar purposes, **and where all room or rooms fall within the definition of M.G.L. 64G, §1(g) as may be amended.**

or act on anything else relative thereto.

ARTICLE 14

To see if the Town will amend the Zoning By-Law by amending the zoning district and corresponding sections of the Bylaw currently designated G-1.0 (DP) including the property at 109-111 Boylston Street and all land between this parcel and Davis Path, as shown on the current Zoning Map, as follows:

- 1. Amending the Zoning Map as shown to add a new G-(DP) district:**



2. Amend Section 3.01 (Classification of Districts) by amending 3.01.2.c.8. as follows:

8) ~~G-1.0-(DP) Davis Path (Refer to §5.06, Special District Regulations) —Note: G-1.0 (DP) district shall be in effect until August 1, 2011. After that date, the district shall cease to be in effect and this Section 3.01.d.c.9 shall be removed from the Zoning By-law. (Attorney General approval still pending as of May 27, 2010.)~~

3. Amend Section 4.07 Table of Uses as follows:

a. Amend Principal Use 8A, Limited Service Hotel, by adding the following to footnote **: Permitted by Special Permit in G-(DP) District in accordance with Section 5.06.4.g.

b. Amend Accessory Use 58A as follows:

58A. Office within the place of residence provided condition (e) below is met in the G-(DP) District, and all of the following conditions are met in other Districts:

- (a) The office occupies not more than one room;
- (b) There are no nonresident employees;
- (c) There are no clients visiting the premises (members of the clergy shall be exempt from this limitation);
- (d) There are no signs nor other external evidence of the office; and
- (e) There is no production of offensive noise, vibration, smoke, dust or other particulate matter, heat, humidity, glare, or other objectionable effects.

4. Amend Table 5.01 - Table Of Dimensional Requirements by amending G-1.0 (DP) and footnote 18 as follows:

DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	PBI ¹¹ NB ONLY	LOT WIDTH ⁴ MINIMUM (feet)	HEIGHT ⁹ MAXIMUM	PBI		MINIMUM YARD ³ (feet)			OPEN SPACE(% of gross floor area)	
							B	NB	Front ^{1,6}	Side ^{2,7}	Rear ⁸	Landsc.	Usable ¹³
G-1.0 (DP) ¹⁸	Any structure or principal use (dwelling – footnote 5)	none ⁴	1.0 to 3.0 ¹⁸	NA	none	40 65	N A	NA	none N/A	none N/A	10+L/10 N/A	See § 5.06 none	none ⁵

18. See **Section 5.06.4.g, Special District Regulations** with respect to uses and all dimensional requirements. ~~G-1.0-(DP) district, shall be in effect until August 1, 2011. After that date, the district shall cease to be in effect and its line shall be removed from Table 5.01. (Attorney General approval still pending as of May 27, 2010.)~~

5. Amend Section 5.06.4.g by deleting the existing Section 5.06.4.g and replacing it with the following:

g. Davis Path Special District G-(DP)

- 1) It has been found through study by the Davis Path Special District Zoning Study Committee that very specific rules are required to encourage appropriate redevelopment of the Davis Path Special District, due to the combination of the close proximity of the White Place National Register District, which contains residential uses on lots that are relatively shallow in depth, the substantial differences in elevation between the Davis Path Special District and the White Place district, the substantial differences in the scale of existing buildings in the White Place district and existing and proposed development in the Davis Path Special District, and the solar orientation of White Place district and the Davis Path Special District. Following a comprehensive study by financial, architecture, and transportation experts, the Committee further concluded that the concepts relating to Building Envelope, façade articulation, and parking requirements have only been deemed appropriate for this Special District, and not intended to affect other districts.
- 2) For the purposes of the Special District, any proposed building shall be permitted to have more than one principal use. For example, a restaurant greater than 5,000 square feet may be located in the same building as a Limited Service Hotel without being considered an accessory use.
- 3) Building Envelope
 - a) This section describes the three dimensional space within which all Building Construction must occur, subject to further limitations and exceptions as provided in this **Section 5.06.4.g**. Notwithstanding the provisions of **Section 5.31**, Building Construction shall include all portions of a structured parking area or building, including elevator penthouses, mechanical equipment enclosures, water tanks and water

towers, and cooling towers, with only the exceptions set forth in **Section 5.06.4.g.3.e** below.

- b) Minimum Yard Setbacks shall be defined as follows:
 - i. 20 feet from the property line bordering the MBTA property.
 - ii. 7 feet from the property line bordering Davis Path.
 - iii. 5 feet from the property line bordering Boylston Street for the ground floor (excluding support columns).
 - iv. 5 feet from the eastern property line of the G-(DP) District.

- c) Height of Building shall be measured from the District Record Grade rather than as prescribed in **Section 5.30**. The District Record Grade shall be the record grade of Boylston Street at the edge of pavement opposite the midpoint of the southern boundary of the G-(DP) district. The Height of Building shall be in no case taller than 65'. Additionally, any elevator penthouse, mechanical equipment enclosure, water tanks and water towers, or cooling towers may in no case be taller than 80' from the District Record Grade. Notwithstanding the foregoing, in no case may any Building Construction exceed the Building Envelope set forth in **Section 5.06.4.g.3.d** below, except as expressly provided in **Section 5.06.4.g.3.e** below.

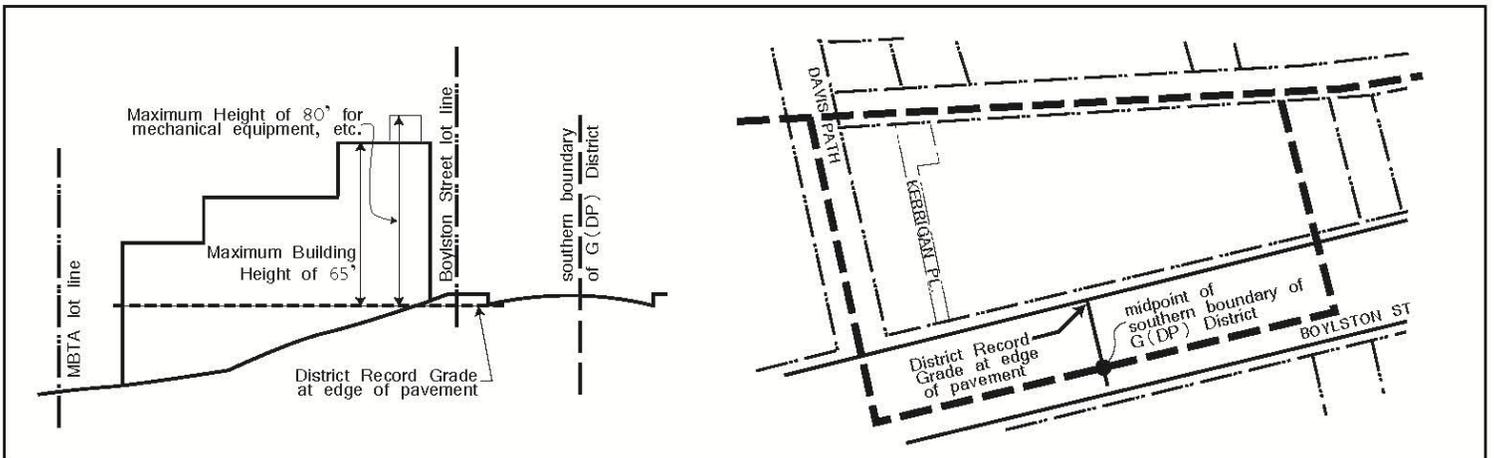


Figure 5.02b – Height of Building Measurements in the G-(DP) District.

- d) The Building Envelope shall be further restricted by an Angled Plane beginning at an elevation 20 feet above the District Record Grade and aligned with the MBTA property line, with such plane rising toward Boylston Street at an angle of one foot of vertical height for every 2.25 horizontal feet from the MBTA property line in a direction perpendicular to the MBTA property line.

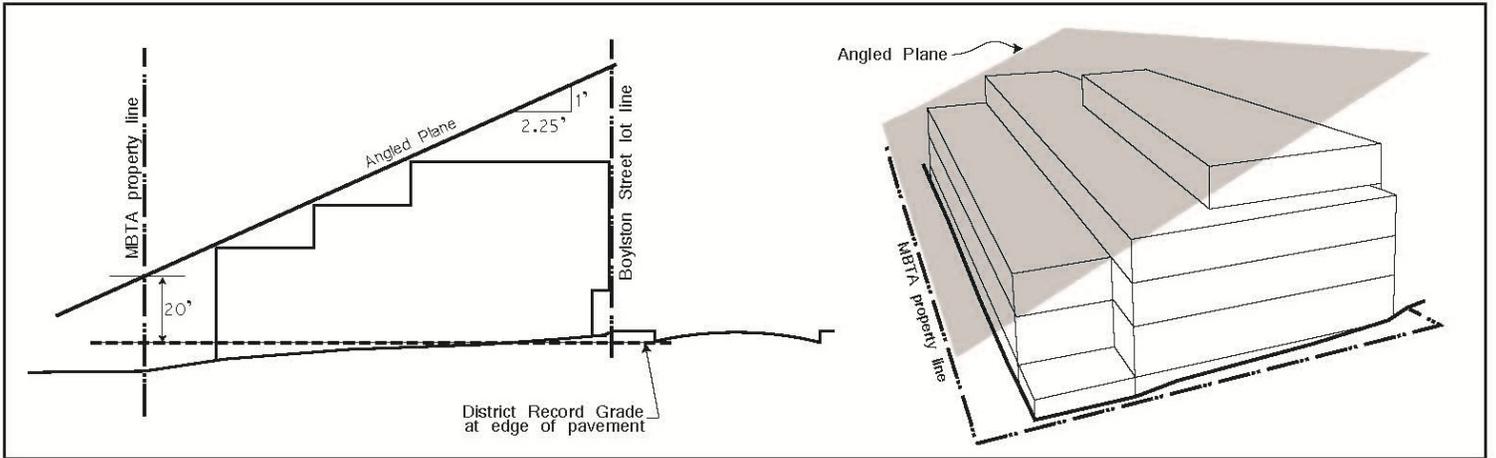


Figure 5.02c – Angled Plane Diagram

- e) Exceptions to the Building Envelope may be permitted only as follows:
- i. flag poles and transmission towers not exceeding 5 feet in horizontal width including appurtenant equipment;
 - ii. railings up to 44" high provided they are at least 75% open (measured at 90 degrees to the vertical surface);
 - iii. seasonal shading devices, including any awnings and canopies, provided they are removed between October 1st and April 1st; and
 - iv. if within 72' of the Boylston Street property line, a projection containing no more than 4,000 square feet of gross floor area, such floor area to be measured by the vertical projection of any mass above the Angled Plane onto the horizontal floor area of any story that penetrates the Angled Plane, but in no case 15 feet above the Building Envelope at any point.

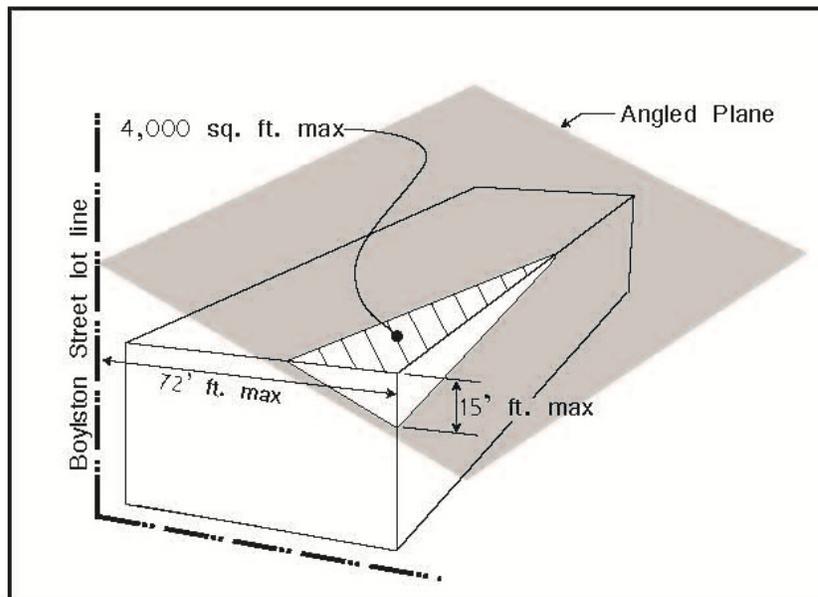


Figure 5.02d – Diagram of Allowable Projection Above Angled Plane

- 4) No relief by Special Permit may be approved for setbacks, height, floor area ratio, or projections above the defined Building Envelope beyond any provisions specified in this **Section 5.06.4.g**. For example, relief from setbacks per **Section 5.43** shall not be available for buildings within these provisions. Similarly, the “public benefit incentive” exceptions to floor area ratio and height regulations set forth in **Sections 5.21 and 5.32** shall not apply.
- 5) Any building façade parallel to or within 45 degrees of parallel to any property line other than the eastern property line shall be designed and constructed with care and quality of design equivalent to the Boylston Street façade. Visual articulation shall be achieved for each such façade by (a) employing variations in materials and /or ensuring that no portion of any such façade is coplanar for more than 3,500 square feet without a change in depth of 2 feet or more in depth, or (b) utilizing other design elements that, in the affirmative and written determination of the Design Advisory Team provide equivalent or better visual relief with respect to building massing, for reasons expressed in such written determination. In the event that the Planning Board modifies or does not accept the recommendation of the Design Advisory Team, or the Board of Appeals modifies or does not accept the recommendation of the Planning Board, a similar affirmative and written determination and reasons shall be provided.
- 6) Nearby properties, including properties north of the MBTA property, shall be visually screened and protected from the lights of any parking lot or garage by compliance with the requirements of **Section 6.04.6**, notwithstanding the fact that such properties do not abut and are not across the street from any proposed parking lot or garage.
- 7) All applications for new structures, outdoor uses, and exterior alterations or additions in the G-DP District which seek a floor area ratio (FAR) greater than 1.0 or reduced parking requirements shall be permitted only on a lot no less than 28,000 square feet in contiguous area, shall be subject to the requirements of **Section 5.09**, Design Review, obtain a special permit pursuant to **Section 9.03**, and meet the following requirements:
 - a) All underlying provisions described in **Section 5.04.6.g.1 to 5.04.6.g.6** above.
 - b) An FAR above 1.0 may be increased by special permit up to 3.0 for Principal Use 8A (Limited Service Hotel), up to 2.0 for other residential uses, and up to 2.25 for all other uses. Where a building contains more than one use, the gross floor area attributable to each use (including an allocated portion of any common areas) shall be computed and divided by the total allowable gross floor area for such use to determine a percentage. The total of all percentages for all uses shall not exceed 100%.
 - c) Parking and Vehicular Requirements

- i. Parking requirements may be reduced from Section 6.02, Paragraph 1, the Table of Off-Street Parking Space Requirements, for the following uses:
 - 1. Residential studio units that are less than 500 net square feet in size: 1.0 parking spaces per dwelling unit
 - 2. Residential units that are less than 700 net square feet in size and have less than 2 bedrooms: 1.25 parking spaces per dwelling unit
 - 3. Limited Service Hotel: 0.5 spaces per room and no additional spaces shall be required for floor areas used for eating, drinking, dancing, meeting halls or similar purposes
 - 4. Retail: one space per 500 g.s.f.
 - 5. Office: one space per 600 g.s.f.
 - 6. Medical and Dental Office: one space per 400 g.s.f.
 - ii. In addition to relief available under **Section 6.04.14.c**, the width of a building façade facing or within 45 degrees of parallel to the Boylston Street property line devoted to the entrance or exit of a garage, carport, loading dock, parking area or other vehicular use may as of right:
 - 1. exceed twenty-four feet in width, provided, however, that no such individual entrance or exit shall exceed 30 feet in width and the total width of all entrances and exits shall not be more than 40% of the facade; and
 - 2. in the case of multiple entrances, the measurement shall not include the portion of any façade between the entrances that is usable floor area.
 - iii. Notwithstanding the provisions of **Section 6.06.6**, only one loading dock shall be required.
 - iv. Notwithstanding the provisions of footnote 1 of the Table 5.01 Dimensional Requirements, the entrance to a garage or covered vehicular passage facing the street shall be at least 5 feet from the street lot line.
- d) The applicant shall provide street trees approximately every 25', subject to the review and approval of the Director of Parks & Open Space or his/her designee.
 - e) In addition to (d) above, the applicant shall devote no less than 1% of the hard construction costs (including any site work, above-ground or underground structures, but exclusive of tenant fit-up) towards improvements to the adjacent Davis Path and/or Boylston Street Playground, with such improvements subject to the review and approval of the Director of Parks & Open Space or his/her designee, or, in the alternative, the applicant shall make a cash payment to the Town in an equivalent amount to be utilized by the Town for such purposes.

6. Amend Section 6.02, Paragraph 1, Table of Off-Street Parking Space Requirements by adding a Footnote as follows:

1. For the G-(DP) Special District, parking requirements shall be the same as those districts with a maximum floor area of 1.0, except as otherwise provided for in **Section 5.06.4.g.**

or act on anything else relative thereto.

ARTICLE 15

To see if the Town will amend Section 5.73.1 of the Zoning By-Law by adding “O,” after the letter “G,” and by striking the words “but no rear yard need be deeper than 20 feet” in Section 5.73.1 and replacing them with the words “but the 10 foot increase required by the previous clause shall not result in a rear yard deeper than 20 feet. This section shall not result in a decrease of the rear yard that would otherwise be required under **Table 5.01.**”

or act on anything relative thereto.

ARTICLE 16

To see if the Town will amend the Zoning By-Law as follows: **(new language in bold)**

1. In §5.45, Traffic Visibility Across Corners, add language to the end of the section as follows:

§5.45 – TRAFFIC VISIBILITY ACROSS CORNERS

In any district where a front yard is required, no structure, fence, planting or other structure shall be maintained between a plane two and one-half feet above curb level and a plane seven feet above curb level so as to interfere with traffic visibility across the corner within that part of the lot which is within a triangle bounded by the street lot lines and, a straight line drawn between points on each such lot line 25 feet from the intersection of said lot lines or extension thereof, **except if the Director of Transportation determines that no safety hazard will result, such as from a fence that allows adequate visibility.**

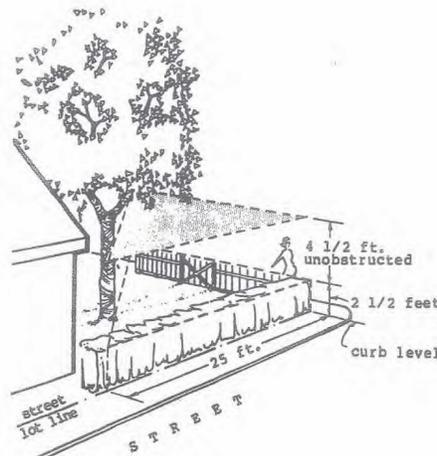


Figure 5.11 – Traffic Visibility Across Corners

In §5.62, Fences And Terraces In Side Yards, add a last sentence to the paragraph to read as follows:

§5.62 – FENCES AND TERRACES IN SIDE YARDS

Subject to §5.45, the provisions of §5.60 shall not apply to fences, hedges or walls not over seven feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story. Piers, pilasters, columns, and posts not over sixteen inches square as supports may exceed the height limitation by not more than twelve inches. Uncovered porches or decks may not extend into the yard more than fifty per cent of the required yard setback but in no case closer than six feet to the property line. **Fences, hedges or walls over seven feet high above the natural grade may be allowed by special permit in cases where the Board of Appeals determines that it is warranted to prevent noise or other objectionable impact or provide greater safety, such as when a property is bounded by train tracks.**

2. In §5.74, Fences And Terraces In Rear Yards, add a last sentence to the paragraph to read as follows:

§5.74 – FENCES AND TERRACES IN REAR YARDS

Subject to §5.45, the provisions of §5.70 shall not apply to fences, hedges or walls not over seven feet high above the natural grade nor to terraces, steps, uncovered porches, or other similar features not over three feet high above the level of the floor of the ground story. Piers, pilasters, columns, and posts not over sixteen inches square as supports may exceed the height limitation by not more than twelve inches. Uncovered porches or decks may not extend into the yard more than fifty per cent of the required yard setback but in no case closer than six feet to the property line. **Fences, hedges or walls over seven feet high above the natural grade may be allowed by special permit in cases where the Board of Appeals determines that it is warranted to prevent noise or other objectionable impacts or provide greater safety, such as when a property is bounded by train tracks.**

or act on anything thereto.

ARTICLE 17

To see if the Town will accept the provisions of General Laws Chapter 138, Section 33B, “Sales of Alcoholic Beverages by On-Premise Licensees on Sundays and Certain Legal Holidays; Sales Between 10:00 a.m. and 12:00 noon,”

or act on anything relative thereto.

ARTICLE 18

Resolution to Honor Michael and Kitty Dukakis

Whereas, Michael Stanley, and Katharine (“Kitty”) Dickson Dukakis each grew up in Brookline, graduated from Brookline High School, and have continually resided here for over 60 years; and

Whereas, Michael Dukakis represented Brookline in the Massachusetts House of Representatives between 1962 and 1970, and was the 65th and 67th Governor of Massachusetts from 1975 to 1979, and 1983 to 1991; and

Whereas, Mrs. Dukakis has worked extensively for over 40 years to bear witness to

horror, speak truth to power, and protect human rights including as a member of President's Commission on the Holocaust, as a member of the US Holocaust Memorial Committee, as a director of the Refugee Policy Group/Refugees International, the Task Force on Cambodian Children, the Cambodian Crisis Fund, and Mapendo International, a humanitarian organization that rescues and protects African refugees; and

Whereas, in 1988 Governor Dukakis won the nomination of the Democratic Party for President of the United States, and in the general election that year won the support of the people of the states of Hawaii, Iowa, Massachusetts, Minnesota, New York, Oregon, Rhode Island, Washington, West Virginia, Wisconsin, and the District of Columbia; and

Whereas, the citizens of Brookline believe it is time for the Town to publicly thank Governor and Mrs. Dukakis for their service via the creation of a monument, or the naming or renaming of some Town property for them;

Now, therefore, be it hereby resolved that the Town honor Governor and Mrs. Dukakis with a monument appropriate to their accomplishments, and sufficient in scope to mark the esteem with which they are held. And be it further resolved that Town Meeting urges the Selectmen to appoint a committee to liaise with the Dukakis family, their friends and supporters, and any relevant institutions, and charge this committee with, among other things debating the questions of sufficiency and feasibility, and reporting back to the Selectmen by October 31, 2011 with a recommendation for the Selectmen to make on behalf of the Town to the appropriate Town body(ies) to create and fund such a monument or dedication. The Board of Selectmen, and all other relevant boards, commissions, and/or committees, including but not limited to the Naming Committee are further encouraged to complete all processes and procedures related to naming such that a recommendation may be brought to the 2012 Annual Town Meeting for its action to honor Michael and Kitty Dukakis.

or act on anything relative thereto.

ARTICLE 19

To see if the Town will adopt the following resolution:

Whereas, changes to create traffic calming can have a significant effect on the daily lives of residents;

Whereas, traffic calming measures can be expensive to implement, and if faulty, to remove;

Whereas, the existing *Traffic Calming Policy and Procedures* adopted in 2001 direct that "A Design Review Committee will be established to guide the development of a traffic calming plan in each area where definitive problems conducive to traffic calming treatments are found to exist";

Whereas, funds from the Capital Improvement Program (CIP) are expended for traffic calming projects which follow established policy;

Whereas, the Transportation Board has not complied with the *Traffic Calming Policy and Procedures* in establishing a Design Review Committee consisting of 2 members

of the Transportation Board, 2 members from the Department of Public Works, and 3 members from the affected neighborhood;

NOW, THEREFORE BE IT RESOLVED THAT:

Town Meeting urges the Transportation Board to forthwith take the following action with respect to any and all traffic calming projects:

- 1) appoint a Design Review Committee for each traffic calming project, with the membership to consist of 2 members of the Transportation Board, 1 member of the Department of Public Works, and 4 members from the affected neighborhood, at least one of which is a direct abutter;
- 2) post notice of each public meeting of the Design Review Committee(s) on the Town's website and send said notice to each Town Meeting Member in the affected precinct(s) and direct abutters;
- 3) post the following reports as described in the current *Traffic Calming Policy and Procedures* on the Town's website before discussion at any public meeting - Traffic Calming Screening Report, Needs Assessment Report, Traffic Calming Plan Report;
- 4) do not approve the expenditure of funds for traffic calming projects unless a traffic calming plan has been developed in accordance with Traffic Calming Policy and Procedures; and

BE IT FURTHER RESOLVED, that the Board of Selectmen are urged not to approve any expenditure for traffic calming projects unless and until the Transportation Board has followed the process outlined above.

or act on anything relative thereto.

ARTICLE 20

To see if the town will adopt the following resolution:

A Resolution Against the Use of Robocalls in Political Campaigns

Whereas, since the Do-Not-Call Implementation Act of 2003 was signed into law, Americans have made it clear that we do not appreciate being disturbed by telemarketing calls;

Whereas, as federal law requires all telephone calls using pre-recorded messages to include a way to contact the initiator of the call and yet this law is rarely followed;

Whereas, many states, including New Hampshire, California, Indiana, Missouri, and North Carolina, have already taken some form of action against political robocalls;

Whereas, Senator Diane Feinstein (D-CA) introduced a Federal Robocall Privacy Act (S. 2624) to the 110th Congress in February 2008, showing that there is a valid national concern for this issue;

Whereas, Citizens for Civil Discourse (CCD), a non-profit, non-partisan organization, is attempting to get politicians to follow the wishes of those citizens who have signed up for their National Political Do Not Contact Registry; and

Whereas, many politicians and campaign managers agree that robocalls are mostly ineffective when promoting a candidate or an issue;

NOW, THEREFORE, BE IT RESOLVED THAT this Town Meeting urges our representatives and senators in the Massachusetts General Court and the United States Congress to introduce and/or support legislation banning the combined use of computerized autodialers and pre-recorded messages in political campaigns; and

Be it Further Resolved, that the Town Clerk send notice of the adoption of this resolution to all representatives of Brookline in the General Court, the U.S. House of Representatives, and the U.S. Senate within two weeks of its adoption

or act on anything relative thereto.

ARTICLE 21

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 THAT REMOVES THE TOWN OF BROOKLINE AS A MEMBER COMMUNITY IN NORFOLK COUNTY.

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline shall, on the first day of July, in the year two thousand and twelve, cease to be a member community in Norfolk County.

SECTION 2. Notwithstanding the provisions in SECTION 1., above, the town of Brookline shall continue to be in the Norfolk Registry District, court system and penal system.

SECTION 3. This act shall take effect upon its passage;

or act on anything relative thereto.

ARTICLE 22

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 23

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 at least FOURTEEN DAYS before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this 23rd day of March, 2011.



BOARD OF SELECTMEN