

WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
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-EIGHTH day of MAY, 2002, 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.

ARTICLE 2

To see if the Town will authorize the Town Treasurer, with the approval of the Selectmen, to enter into Compensating Balance Agreement(s) for FY2003 in accordance with General Laws Chapter 44, Section 53F, or act on anything relative thereto.

ARTICLE 3

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, and rescind the unused portion of prior borrowing authorizations, or act on anything relative thereto.

ARTICLE 4

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 5

To see if the town will elect to establish an additional property tax exemption for fiscal year 2003 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 6

To see if the Town will authorize the Commissioner of Public Works to establish, under General Laws, Chapter 44, Section 53E ½, A.) a Revolving Fund for the construction and reconstruction, upkeep, maintenance, repair and improvement of: 1. sidewalks and walkways, both along public and private streets and ways, 2. private ways and 3. areas to which the public has the right of access; B.) funded by appropriation and by the funds received from betterments assessed for such improvements; C.) with expenditures from the Revolving Fund to be authorized by the Commissioner of Public Works, with the written approval of the Board of Selectmen; and D.) with the annual total expenditures from the Revolving Fund not to exceed \$400,000 in any fiscal year.;

or act on anything relative thereto.

ARTICLE 7

To see if the Town will raise and appropriate or appropriate from available funds additional funds to the various accounts in the fiscal year 2002 budget or transfer funds between said accounts, or act on anything relative thereto.

ARTICLE 8

To see if the town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT CONCERNING THE DEPARTMENT OF FINANCE IN THE TOWN OF BROOKLINE.

Be It Enacted, etc., as follows:

Section 1. SECTION 3 in Chapter 25 of the Acts of 1993, is amended as follows:

- a. by deleting “information services” in the first sentence

and by amending the first sentence to read: "The department shall assume and be responsible for the present functions and statutory duties of the offices of comptroller, treasurer/collector, purchasing and assessing.

b. by deleting paragraph "x." and by renumbering paragraph "xi." to paragraph "x."

Section 2. Part "C." in SECTION 4 in Chapter 25 of the Acts of 1993, is amended as follows:

a. by deleting, at the end of the first sentence: "and the development and maintenance functions of information services.", and by changing the "," after the words "and treasury functions" to a ".".

b. by deleting, at the end of the first paragraph: "and manager of information services.", and by deleting the "," after the words "chief procurement officer" and by amending the remaining portion of the paragraph to read "and chief assessor."

c. by amending the first part of the fourth paragraph, immediately prior to item "i", to read: "In addition to supervising and directing the effective functioning of the divisions of treasury, accounts, purchasing and assessing, the director shall have the following specific powers and duties:" and by deleting item "x" and renumbering the remaining items accordingly.

Section 3. SECTION 5. in Chapter 25 of the Acts of 1993 is amended by deleting all of part "E."

Section 4. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 9

To see if the Town will:

A.) Fiscal Year 2003 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 2003 budget, including without limiting the foregoing, all town expenses and purposes, debt and interest, out of state travel, operating expenses, stabilization fund as provided for in General Laws Chapter 41, Section 108; authorize the continuation of all revolving funds in accordance with G.L. Chapter 44, Section 53E ½, and all Enterprise Funds in accordance with G.L. Chapter 44, Section 53F ½; and provide for a reserve fund.

B.) Fiscal Year 2003 Special Appropriations

Appropriate sums of money for the following special purposes:

- 1.) Appropriate \$150,000, or any other sum, to be expended under the direction of the Chief Procurement Officer, with the approval of the Board of Selectmen, for furnishings and equipment for Town Buildings.
- 2.) 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 removal of asbestos from Town-owned buildings.
- 3.) Appropriate \$56,400, or any other sum, to be expended under the direction of the Chief Information Officer, with the approval of the Board of Selectmen, for hand held inspection equipment for the Building and Health Departments.
- 4.) Appropriate \$55,000, 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-owned buildings.
- 5.) Appropriate \$300,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for repairs at the Town Municipal Service Center.
- 6.) Appropriate \$52,300, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for the purpose of improving municipal building security.
- 7.) Appropriate \$55,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, to upgrade the Train Memorial Public Health Building.
- 8.) Appropriate \$100,000, 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 the purpose of creating a Public Event Kiosk.
- 9.) Appropriate \$180,000, 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 the purpose of completing the Town's Comprehensive Plan.
- 10.) Appropriate \$10,000, 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 a Facade Improvement Program for the commercial areas of the Town.

- 11.) Appropriate \$180,000, 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 streetscape and civic space improvements.
- 12.) Appropriate \$325,000, or any other sum, to be expended under the direction of the Fire Chief, with the approval of the Board of Selectmen, for the purchase of a fire engine.
- 13.) Appropriate \$30,000, 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 pavement of the Fire Training area.
- 14.) Appropriate \$20,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Board of Selectmen, for the design and installation of air conditioning systems at various fire stations.
- 15.) Appropriate \$30,000, 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 school zone signals.
- 16.) Appropriate \$1,062,000, 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.
- 17.) Appropriate \$254,000, 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.
- 18.) Appropriate \$217,094, 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 traffic calming studies and improvements.
- 19.) Appropriate \$100,000, 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 sidewalk reconstruction.
- 20.) Appropriate \$100,000, 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.
- 21.) Appropriate \$100,000, 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 pathway reconstruction.

- 22.) Appropriate \$35,000, 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 Chestnut Street drain / Willow Pond environmental controls.
- 23.) 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, for the Amory Park environmental study.
- 24.) Appropriate \$127,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Parks and Recreation Commission and the Board of Selectmen, for improvements at Larz Anderson Park.
- 25.) Appropriate \$250,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Parks and Recreation Commission and the Board of Selectmen, for the renovation of playground equipment, fields and fencing.
- 26.) Appropriate \$120,000, 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 / School grounds.
- 27.) Appropriate \$67,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Parks and Recreation Commission and the Board of Selectmen, for improvements to Longwood Park.
- 28.) Appropriate \$47,000, 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 Baker School field improvements.
- 29.) Appropriate \$100,000, 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.
- 30.) 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 improvements to the Lost Pond Sanctuary.
- 31.) Appropriate \$40,000, 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 removal and replacement of Hemlock Trees.
- 32.) Appropriate \$65,000, 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 Walnut Hill Cemetery.

- 33.) 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 improvements to small green open spaces / streetscapes.
- 34.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Commissioner of Public Works, with the approval of the Park and Recreation Commission and the Board of Selectmen, for tennis and basketball court improvements.
- 35.) Appropriate \$100,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the Park and Recreation Commission and the Board of Selectmen, for the replacement of lockers at the Municipal Swimming Pool.
- 36.) Appropriate \$150,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the School Committee and the Board of Selectmen, for miscellaneous repairs at the High School.
- 37.) Appropriate \$115,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the School Committee and the Board of Selectmen, for the Pierce School bathroom remodeling.
- 38.) Appropriate \$900,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the School Committee and the Board of Selectmen, for the replacement of the HVAC system at the Pierce School.
- 39.) Appropriate \$50,000, or any other sum, to be expended to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for water meter replacement.
- 40.) Appropriate \$150,000, 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 a water system hydraulic analysis.
- 41.) Appropriate \$100,000, 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 Singletree Water Tank rehabilitation.
- 42.) 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 the improvement of storm drains.
- 43.) Appropriate \$375,000, or any other sum, to be expended under the direction of the Building Commissioner, with the approval of the School Committee and Board of

Selectmen, for design of and the making of improvements to the Driscoll School building and grounds.

- 44.) Appropriate an additional sum of money, to be expended under the direction of the Building Commission, with the approval of the School Committee and the Board of Selectmen, for remodeling, reconstructing or making extraordinary repairs to and for additions, where such additions increase the floor space, to the Lawrence School.

C.) Funding

And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or 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 aforesaid, or act on anything relative thereto.

ARTICLE 10

To see if the Town will replace the existing Zoning By-Law with the new and restructured Zoning By-Law, dated: May 29, 2002, which new and restructured Zoning By-Law contains the Table of Contents set forth below, with copies of new and restructured Zoning By-Law being on file and available for inspection in the Town Clerk’s office, the Coolidge Corner and Putterham branches of the Brookline Public Library, the office of Planning and Community Development, Town Counsel’s office, and on the Town’s Web site, with the copy on file in the Town Clerk’s office being incorporated herein by reference, or act on anything relative thereto.

TABLE OF CONTENTS

ARTICLE I, PURPOSE AND SCOPE1-1

 §1.00 – PURPOSE AND INTERPRETATION 1-1

ARTICLE II, DEFINITIONS2-1

 §2.00 – PURPOSE AND INTENT2-1

 §2.01 – “A” DEFINITIONS 2-1

 §2.02 – “B” DEFINITIONS2-1

 §2.03 – “C” DEFINITIONS2-1

 §2.04 – “D” DEFINITIONS 2-1

 §2.05 – “E” DEFINITIONS2-2

 §2.06 – “F” DEFINITIONS2-2

 §2.07 – “G” DEFINITIONS 2-2

 §2.08 – “H” DEFINITIONS 2-2

 §2.09 – “I” DEFINITIONS2-3

 §2.10 – “J” DEFINITIONS2-3

§2-11 – “K” DEFINITIONS	2-3
§2-12 – “L” DEFINITIONS	2-3
§2-13 – “M” DEFINITIONS	2-5
§2-14 – “N” DEFINITIONS	2-5
§2-15 – “O” DEFINITIONS	2-6
§2-16 – “P” DEFINITIONS	2-6
§2-17 – “Q” DEFINITIONS	2-6
§2-18 – “R” DEFINITIONS	2-6
§2-19 – “S” DEFINITIONS	2-6
§2-20 – “T” DEFINITIONS	2-7
§2-21 – “U” DEFINITIONS	2-7
§2-22 – “V” DEFINITIONS	2-7
§2-23 – “W” DEFINITIONS	2-7
§2-24 – “X” DEFINITIONS	2-7
§2-25 – “Y” DEFINITIONS	2-8
§2-26 – “Z” DEFINITIONS	2-8
ARTICLE III, ESTABLISHMENT OF ZONING DISTRICTS.....	3-1
§3.00 – DIVISION OF THE TOWN INTO DISTRICTS	3-1
§3.01 – CLASSIFICATION OF DISTRICTS	3-1
§3.02 – BOUNDARIES OF THE DISTRICT.....	3-2
ARTICLE IV, USE REGULATIONS.....	4-1
§4.00 – APPLICABILITY OF REGULATIONS	4-1
§4.01 – PERMITTED USES.....	4-1
§4.02 – USES SUBJECT TO OTHER REGULATIONS	4-1
§4.03 – EXISTING SPECIAL PERMIT USE	4-1
§4.04 – LIMITATION OF AREA OF ACCESSORY USES.....	4-2
§4.05 – RESTRICTIONS ON ACCESSORY USES IN RESIDENCE DISTRICTS	4-2
§4.06 – TEMPORARY ACCESSORY USES	4-2
§4.07 – TABLE OF USE REGULATIONS.....	4-3
§4.08 – AFFORDABLE HOUSING REQUIREMENTS	4-18
§4.09 – WIRELESS TELECOMMUNICATIONS SERVICES	4-21
§4.10 – TABLE OF USE REGULATIONS.....	4-25
ARTICLE V, DIMENSIONAL REQUIREMENTS	5-1
§5.00 – DISTRICT REGULATIONS	5-1
§5.01 – LOT AREA OF YARDS REQUIRED.....	5-1
§5.02 – SPACING OF NON-RESIDENTIAL BUILDINGS ON THE SAME LOT	5-1
§5.03 – SPACING OF RESIDENTIAL BUILDINGS ON THE SAME LOT.....	5-1
§5.04 – RESIDENTIAL BUILDING ON REAR OF A LOT	5-6
§5.05 – CONVERSIONS	5-6
§5.06 – SPECIAL DISTRICT REGULATIONS	5-7
§5.07 – DWELLINGS IN BUSINESS AND INDUSTRIAL DISTRICTS	5-8
§5.08 – EXCEPTIONS TO DIMENSIONAL REQUIREMENTS FOR USES 9 AND 10	5-8
§5.09 – DESIGN REVIEW.....	5-9
§5.10 – MINIMUM LOT SIZE.....	5-17
§5.11 – CLUSTER SUBDIVISIONS, DESIGNED GROUPS OF SINGLE-FAMILY DWELLINGS, AND ESTATE CONVERSIONS	5-18
§5.12 – LOT AREA PER DWELLING UNIT OR EQUIVALENT.....	5-23
§5.13 – LOT WIDTH.....	5-23
§5.14 – LOT FRONTAGE.....	5-23
§5.15 – EXCEPTION TO MINIMUM LOT SIZE AND LOT WIDTH REQUIREMENTS.....	5-24
§5.20 – FLOOR AREA RATIO.....	5-24
§5.21 – EXCEPTIONS TO MAXIMUM FLOOR AREA RATIO REGULATIONS (PUBLIC BENEFIT INCENTIVES).....	5-25
§5.22 – EXCEPTIONS TO FLOOR AREA RATIO REGULATIONS FOR RESIDENTIAL UNITS	5-26
§5.30 – MAXIMUM HEIGHT OF BUILDINGS	5-27
§5.31 – EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS	5-31

§5.32 – EXCEPTIONS TO MAXIMUM HEIGHT REGULATIONS (PUBLIC BENEFIT INCENTIVES).....	5-31
§5.40 – WALLS NOT PARALLEL TO LOT LINES	5-32
§5.41 – BUILDINGS OF UNEVEN HEIGHT ALIGNMENT.....	5-33
§5.42 – YARD AND SETBACK FROM OPEN SPACE, STREET OR ALLEY	5-34
§5.43 – EXCEPTIONS TO YARD AND SETBACK REGULATIONS	5-34
§5.44 – ACCESSORY UNDERGROUND STRUCTURES.....	5-35
§5.45 – TRAFFIC VISIBILITY ACROSS CORNERS	5-35
§5.46 – CORNER LOTS.....	5-38
§5.47 – DIMENSIONAL REQUIREMENTS FOR COURTS	5-38
§5.48 – ATTACHED ONE-FAMILY DWELLING IN T DISTRICTS	5-38
§5.50 – FRONT YARD REQUIREMENTS.....	5-37
§5.51 – PROJECTIONS INTO FRONT YARDS.....	5-37
§5.52 – FENCES AND TERRACES IN FRONT YARDS.....	5-37
§5.53 – ACCESSORY BUILDING IN FRONT YARDS.....	5-37
§5.54 – EXCEPTIONS FOR EXISTING ALIGNMENT	5-37
§5.55 – FRONT YARD FOR REAR LOT	5-38
§5.60 – SIDE YARD REQUIREMENTS	5-39
§5.61 – PROJECTIONS INTO SIDE YARDS	5-39
§5.62 – FENCES AND TERRACES IN SIDE YARDS.....	5-39
§5.63 – ACCESSORY BUILDING OR STRUCTURES IN SIDE YARDS	5-39
§5.64 – SIDE YARDS FOR NON-DWELLING USES IN BUSINESS OR INDUSTRIAL DISTRICTS.....	5-40
§5.70 – REAR YARD REQUIREMENTS	5-40
§5.71 – PROJECTIONS INTO REAR YARDS	5-42
§5.72 – ACCESSORY BUILDINGS OR STRUCTURES IN REAR YARDS	5-42
§5.73 – REAR YARDS IN BUSINESS OR INDUSTRIAL DISTRICTS.....	5-43
§5.74 – FENCES AND TERRACES IN REAR YARDS	5-43
§5.80 – SETBACK REQUIREMENTS IN BUSINESS OR INDUSTRIAL DISTRICTS	5-43
§5.90 – MINIMUM LANDSCAPED OPEN SPACE.....	5-43
§5.91 – MINIMUM USABLE OPEN SPACE.....	5-44
§5.92 – EXCEPTIONS FOR RESIDENTIAL STRUCTURES DESIGNED FOR TRANSIENT OCCUPANCY.....	5-44
ARTICLE VI, VEHICULAR SERVICE USE	6-1
§6.00 – INTENT OF REQUIREMENTS.....	6-1
§6.01 – GENERAL REGULATIONS APPLYING TO REQUIRED OFF-STREET PARKING FACILITIES.....	6-1
§6.02 – OFF-STREET PARKING SPACE REGULATIONS	6-2
§6.03 – LOCATION OF REQUIRED OFF-STREET PARKING FACILITIES.....	6-6
§6.04 – DESIGN OF ALL OFF-STREET PARKING FACILITIES.....	6-6
§6.05 – BICYCLE SPACE AND DESIGN REGULATIONS.....	6-11
§6.06 – OFF-STREET LOADING REGULATIONS.....	6-11
§6.07 – DESIGN AND LAYOUT OF OFF-STREET LOADING FACILITIES	6-12
§6.08 – REGULATIONS APPLYING TO GASOLINE SERVICE STATIONS.....	6-13
§6.09 – REGULATIONS APPLYING TO OUTDOOR AUTOMOBILE RENTAL OR SALES AND STORAGE FOR RENTAL OR SALE.....	6-14
ARTICLE VII, SIGNS, ILLUMINATION, & REGULATED FAÇADE ALTERATIONS	7-1
§7.00 – SIGNS IN ALL DISTRICTS	7-1
§7.01 – SIGNS IN S, SC, AND T DISTRICTS	7-2
§7.02 – SIGNS IN M DISTRICTS	7-2
§7.03 – SIGNS IN L, G, I AND O DISTRICTS.....	7-3
§7.04 – ILLUMINATION	7-5
§7.05 – NONCONFORMANCE OF ACCESSORY SIGNS	7-5
ARTICLE VIII, NONCONFORMANCE.....	8-1
§8.01 – CONTINUANCE.....	8-1
§8.02 – ALTERATION OR EXTENSIONS.....	8-1
§8.03 – REBUILDING AFTER CATASTROPHE.....	8-1

§8.04 – ABANDONMENT	8-2
§8.05 – SUBSTITUTION	8-2
ARTICLE IX, ADMINISTRATION AND PROCEDURE	9-1
§9.00 – ENFORCEMENT	9-1
§9.01 – PROVISION FOR BOARD OF APPEALS	9-2
§9.03 – SPECIAL PERMITS	9-3
§9.04 – PROCEDURE FOR APPLICATION FOR SPECIAL PERMIT	9-3
§9.05 – CONDITIONS FOR APPROVAL OF SPECIAL PERMIT	9-3
§9.06 – APPEALS FOR VARIANCE CALLING FOR ADVISORY REPORT FROM PLANNING BOARD	9-4
§9.07 – TIME LIMITS FOR SPECIAL PERMITS AND VARIANCES	9-4
§9.08 – NOTICE TO TOWN MEETING MEMBERS AND OTHERS	9-4
§9.09 – CONDITIONS FOR APPROVAL OF USE VARIANCE	9-4
§9.10 – EVENING MEETINGS	9-5
§9.11 – ADMINISTRATIVE SITE PLAN REVIEW REQUIREMENTS FOR EDUCATIONAL USES IN RESIDENCE DISTRICTS	9-5
ARTICLE X, AMENDMENT AND INTERPRETATION	10-1
§10.00– AMENDMENT	10-1
§10.01 – VALIDITY OF ACTION TAKEN UNDER PRIOR BY-LAW	10-1
§10.02 – UNIFORMITY IN EACH DISTRICT	10-1
§10.03 – UNSAFE WALLS AND FIRE ESCAPES	10-1
§10.04 – VALIDITY	10-1
§10.05 – EFFECT OF SUBSEQUENT AMENDMENT	10-1
INDEX	[PENDING]
TEXT AMENDMENTS	[PENDING]
MAP AMENDMENTS	[PENDING]
ZONING MAP	[PENDING]
LIST OF TABLES	[PENDING]
LIST OF FIGURES	[PENDING]

ARTICLE 11

To see if the Town will amend the Zoning By-Law (references are to the Restructured By-Law) by adding to Section 6.04, Design of All Off-Street Parking Facilities, a new subsection, paragraph 2, subparagraph g. Handicapped Accessible Parking Requirements, to read as follows:

(g) **Handicapped Accessible Parking Requirements** All parking garages or parking areas associated with new development are required at a minimum to provide handicapped accessible parking in conformance with the standards in 521 CMR 23.2.1: Architectural Access Board regulations, as follows:

<u>Total Parking in Lot</u>	<u>Required Minimum Number of Accessible Spaces</u>
15-25	1
25-50	2
51-75	3
76-100	4
101-150	5
151-200	6

201-300	7
301-400	8
401-500	9
501-1,000	2% of total
1,001 and over	20 plus 1 for each 100 over 1000

Required handicapped accessible parking spaces shall conform to the design and dimensional standards in 521 CMR 23.3 to 23.8 as related to location, size, aisle width, van accessibility and signage.

or act on anything relative thereto.

ARTICLE 12

To see if the Town will amend the Zoning By-Law, Section 4.07, Table of Use Regulations -- Health and Fitness Club Use (references are to the Restructured By-Law):

- A. Section 4.07, Table of Use Regulations, of the Zoning By-law, by creating a new Principal Use as part of the Institutional, Recreational & Educational Uses category. The new Principle Use shall be as follows:

	S	SC	T	M	L	G	O	I
18. Private Club or Lodge								
(a) Health and fitness club, operated for profit and for members only, solely for the purpose of providing physical fitness, exercise, therapy, rehabilitation and health.	No	No	No	No	No	SP	SP	No
(b) Private club or lodge, operated not for profit and for members only, other than Use 13.	No	No	No	No	Yes	Yes	Yes	Yes

- B. Article II, Definitions, of the Zoning By-law, by creating a new definitions for Private Club or Lodge and Health and Fitness Clubs to be consistent with the terms used in the proposed new Principal Use described above. These definitions shall be as follows:

By replacing the current Section 2.08 with a revised Section 2.08 with the addition of the definition of Health Club as follows:

§2.08 - “H” DEFINITIONS

- 1. HEALTH AND FITNESS CLUB—A private club operated for profit and for members only, solely for the purpose of providing physical fitness, exercise, therapy, rehabilitation and health-related services.

2. HEIGHT OF BUILDING—The vertical distance of the highest point of the roof beams in the case of a flat roof, or of the top of the rafters at the ridge in the case of a sloping roof, above the level specified in Article V, §5.30.
3. HOME OCCUPATION
 - a. An activity customarily carried on by the permanent residents of a dwelling unit, inside the dwelling unit, requiring only customary home equipment, and not involving:
 - 1) The sale of articles produced elsewhere than on the premises, and brought to the premises for the purpose of sale.
 - 2) The storage of materials or products outside of a principal building.
 - 3) The making of external structural alterations which are not customary in residential buildings.
 - 4) The production of offensive noise, vibration, smoke, dust or other particular matter, heat, humidity, glare, or other objectionable effects.
 - b. Home occupations include but are not limited to:
 - 1) Fine arts studios
 - 2) Dressmaking
 - 3) Teaching of not more than four pupils simultaneously or, in the case of musical instruction, of not more than a single pupil at a time.
 - c. Home occupations do not include such uses as:
 - 1) Barber shops
 - 2) Beauty parlors
 - 3) Commercial stables or kennels
 - 4) Real estate or insurance offices
4. HOTEL—A structure in which sleeping accommodations are let for compensation primarily to transients and in which a public eating facility is provided.

By replacing the current Section 2.16 with a revised Section 2.16 with the addition of the definition of Private Club or Lodge as follows:

§2.16 - “P” DEFINITIONS

1. **PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL**—A building, structure, lot or part of a lot designed or used for the shelter or storage of commercial or non-commercial motor vehicles used by the occupants or users of a lot or lots devoted to a use or uses not permitted in a residence district, in which space is available either to long-term or to transient or casual parkers.
 2. **PARKING GARAGE OR PARKING AREA, RESIDENTIAL**—A building, structure, part of a building or structure, lot or part of a lot designed or used for the shelter or storage of non-commercial motor vehicles used by the occupants or users of a lot or lots devoted to a use or uses permitted in a residence district and in which no space is rented for casual or transient parkers.
 3. **PRIVATE CLUB OR LODGE**—A private club, lodge, or organization operated not for profit, and for members only.
 4. **PROFESSION, RECOGNIZED**—Architecture, engineering, law, medicine, dentistry, or other activity in which specialized services to clients are performed by persons possessing a degree from a recognized institution of higher learning demonstrating successful completion of a prolonged course of specialized intellectual instruction and study, and also possessing evidence of professional capability such as membership in a professional society requiring standards of qualification for admission.
- C. To see if the Town will amend Article VI, Vehicular Service Use Requirements, of the Zoning By-law, by deleting use 18, Private Club or Lodge from Section 6.02, Off-Street Parking Regulations, paragraph 3. Section 6.02, paragraph 3 will thus read as follows:

3. Places of Public Assembly shall include Uses 9, 12 to 14 inclusive, 16, 30, and 34, as listed in **Article IV**.

And by adding use 18 to Section 6.02, Off-Street Parking Regulations, paragraph 5. Section 6.02, paragraph 5 will thus read as follows:

5. Retail and Office uses of land or structures shall include Uses 18, 20, 20A, 21, 26, 27, 29, 31 to 33 inclusive, 35 to 39 inclusive, 41, 58, and 59 as listed in **Article IV**.

or act on anything relative thereto.

ARTICLE 13

To see if the Town will adopt the following resolution:

Be It Hereby resolved: that the Zoning By Law Commission investigate and report to a future Town Meeting on the inclusion of the issue of "Mansionization" and whether or not special provision should be included in the new zoning by-laws concerning that subject, or act on anything relevant thereto.

ARTICLE 14

To see if the Town will amend Sections 4.08, Affordable Housing Requirements, and 5.09, Design Review (references are to the Restructured By-Law), of the Zoning By-Law.

- (1) the following Section 4.08 in substitution for the existing Section 4.08 (previously known as "Section 4.40"):
-

§4.08 AFFORDABLE HOUSING REQUIREMENTS

1. Purpose

The purpose of this section is to promote the public welfare by:

- a. increasing the supply of housing that is available and affordable to low, moderate and upper-moderate income households, with an emphasis on family housing; and
- b. preventing the displacement of Brookline residents.

2. Definitions

The following definitions shall apply in this **§4.08**. Where a term is undefined herein, the definition set forth in the Affordable Housing Guidelines adopted pursuant to this **§4.08**, if any, shall control. All other undefined terms in this section either be governed by **Article II**, Definitions of this Zoning Bylaw or shall be interpreted in accord with such normal dictionary meaning or customary usage as is appropriate to the context.

- a. **AFFORDABLE HOUSING GUIDELINES** are written policies and criteria, recommended by the Housing Advisory Board and adopted by the Planning Board, which supplement and serve to aid in the interpretation of this section. They may be revised from time to time without an amendment to the Zoning Bylaw.
- b. **AFFORDABLE HOUSING PLAN** means a document that constitutes the applicant's showing of compliance with the requirements of this section.

- c. AFFORDABLE UNIT means a dwelling unit which meets the following conditions:
- 1) In a project in which affordable dwelling units will be rented, a unit shall be considered an affordable unit if: (a) it is rented to an eligible household whose initial income is less than or equal to 80% of median income; and (b) it is made available at an initial rent that is calculated such that a hypothetical household with 1.5 persons per bedroom and with an income of 65% of median income would be paying 30% of gross income on rent and tenant-paid utilities, unless the occupant has a tenant-based subsidy, in which case the rent may be the amount allowed under the subsidy, provided that the occupant is not paying more than 30% of gross income on rent and tenant-paid utilities.
 - 2) In a project in which affordable dwelling units will be sold, a unit shall be considered an affordable unit if: (a) it is sold to an eligible household whose initial income is less than or equal to 100% of median income; and (b) it is made available at a sales price that is calculated such that a hypothetical household with 1.5 persons per bedroom and with an income of 80% of area median income would be paying 30% of gross income towards a mortgage, mortgage insurance, condominium fee and property taxes for a standard thirty-year mortgage at 95% of sales price.
 - 3) ELIGIBLE HOUSEHOLD means a household comprised of a single individual or a family eligible for housing under regulations promulgated by the United States Department of Housing and Urban Development, pursuant to **Section 8 of the Housing Act of 1937**, as amended by the **Housing and Community Development Act of 1974**, or any successor federal or state program.
 - 4) INCOME, LOW AND MODERATE means a combined household income which is less than or equal to 80 percent of the median income.
 - 5) INCOME, MEDIAN means the median income, adjusted for household size, for the Boston Metropolitan Statistical Area published by or calculated from regulations promulgated by the United States Department of Housing and Urban Development, pursuant to **Section 8 of the Housing Act of 1937**, as amended by the **Housing and Community Development Act of 1974**, or any successor federal or state program.
 - 6) INCOME, UPPER MODERATE means a combined household income which is less than or equal to 100 percent of the median income.
 - 7) PROJECT means any residential or other development, including a cluster development, which results in the construction of new dwelling units, including those set forth in **paragraph 3, subparagraph a, b, or c** herein.

Where the project is a life care facility development, as set forth in **paragraph 3, subparagraph c.**, the term “dwelling unit” shall be construed to mean “assisted living unit”.

3. *Applicability*

In all zoning districts, the provisions of this **§4.08** shall apply to the following uses:

- a. any project that results in any net increase of six or more dwelling units, whether by new construction or by the alteration, expansion, reconstruction or change of existing residential or non-residential space; and
- b. any subdivision of land for development of six or more dwelling units; and
- c. any life care facility development that includes six or more assisted living units and accompanying services.

4. *Special Permit Required*

The development of any project set forth in **§4.08, paragraph 3.**, above, shall require the grant of a special permit from the Board of Appeals.

5. *Required Affordable Units*

As a condition for granting any special permit hereunder, applicants shall contribute to the Town's stock of affordable units in accordance with the following requirements:

- a. For projects resulting in a net increase of six or more dwelling units, the applicant shall be required to set aside not less than 15% of the net increase as affordable units, except as the provisions of **subparagraph b.**, below shall apply.
- b. For projects resulting in a net increase of six to 15 dwelling units, the applicant may choose to make a cash payment to the Housing Trust based on the Affordable Housing Guidelines.

6. *Standards*

Projects containing affordable units shall meet the following standards:

- a. Projects shall not be segmented or phased to avoid compliance with these provisions.
- b. In determining the total number of affordable units required, a fractional unit of 0.5 or more shall be regarded as a whole unit.

- c. The required affordable units shall contain not less than 15% of the bedrooms in the project as a whole.
- d. Affordable units shall be dispersed throughout the project and shall be indistinguishable from market rate units in external appearance. The affordable units shall have the same mechanical systems as market units, except that affordable units with up to two bedrooms may have only one bathroom, affordable units with three bedrooms shall have at least 1.5 bathrooms, and affordable units with four bedrooms shall have at least two bathrooms. Affordable units shall have the same finishes and appliances as the market rate units except where the Director of Planning and Community Development specifically approves, in advance, a request for different finishes and/or appliances.
- e. The affordable units shall contain square footage which is no less than (1) the average size of market rate units containing the same number of bedrooms, or (2) the following, whichever is the smaller:

0 bedrooms:	500 square feet
1 bedroom:	700 square feet
2 bedrooms:	900 square feet
3 bedrooms:	1100 square feet
4 bedrooms:	1300 square feet
- f. Floor plans for affordable units which differ from those of market rate units shall not be approved without the recommendation of the Director of Planning and Community Development.
- g. Sales prices, resale prices, initial rents, and rent increases for the affordable units shall be established in accordance with this section, as further clarified in the Affordable Housing Guidelines and shall be permanently restricted, to the extent legally permissible, to ensure long-term affordability.
- h. The Town may establish a system of priorities for selecting buyers or renters, in accordance with the Affordable Housing Guidelines.
- i. The Town may require that lessees of affordable rental units meet income recertification requirements upon renewal of lease terms, in accordance with the Affordable Housing Guidelines.
- j. The Town may require, for itself or its designee, an option to purchase or lease affordable units for amounts consistent with **paragraph 2, subparagraph c.** above. The option shall apply to the initial and any subsequent sale or lease of affordable units.

- k. Affordability restrictions shall be embodied in applicable deed covenants, restrictive covenant agreements, other contractual agreements, land trust arrangements, and/or other mechanisms designed to ensure compliance with this section.
- l. Covenants and other documents necessary to ensure compliance with this section shall be executed and, if applicable, recorded prior to and as a condition of the issuance of any building permit or certificate of occupancy, as the Board of Appeals shall deem appropriate.

7. *Alternative Requirements for Affordable Units*

Subject to a finding by the Board of Appeals that the result will be advantageous to the Town in creating or preserving affordable units and not result in the undue concentration of affordable units, the requirements of this section may be satisfied through one or more of the following methods, listed in the order of preference:

- a. Off-Site Location—Affordable units may be located on an alternative site or sites in Brookline suitable for housing use, preferably in the same neighborhood as the on-site development. While off-site affordable units may be located in an existing structure, the potential for displacement of existing tenants shall be considered by the Zoning Board of Appeals.
- b. Conveyance of Land and/or Buildings—The applicant may donate to the Town or its designee land and/or buildings suitable for housing use, preferably in the same neighborhood as the on-site development. Such land and/or buildings shall have a fair market value comparable to the difference between the value of the affordable units required under this **§4.08** if provided on-site and the fair market value of such units free of the conditions set forth in **paragraph 2, subparagraph c.**
- c. Cash Payment—The applicant may make a cash payment to the Town’s Housing Trust with a value comparable to the difference between the value of the affordable units required under this **§4.08** if provided on-site, and the fair market value of such units free of the conditions set forth in **paragraph 2, subparagraph c.**

The applicant’s Affordable Housing Plan shall show that the applicant shall provide a greater affordable housing benefit to the Town than would have been provided on-site. Affordable units provided through the alternative methods above shall comply in all respects other than on-site location with the requirements of this section.

8. *Procedures*

All projects shall comply with the following procedures as applicable:

- a. Pre-Application Meeting—The applicant shall convene a pre-application meeting with the Director of Planning and Community Development to discuss the project proposal and affordable housing requirements.
- b. Submittal of Affordable Housing Plan—The applicant shall fill out and submit an Affordable Housing Plan form to the Planning and Community Development Department prior to making an application for a building permit. This form requires the following information:
 - 1) On-Site Unit Projects—Applicants electing to develop on-site affordable units shall provide a schedule of all project units by location, square footage, unit types, number and types of rooms, and location of affordable units.
 - 2) Cash Contribution Projects Under Paragraph 5, Subparagraph b.—Applicants electing to make a cash contribution in lieu of providing affordable units shall provide a statement of the number of project units and the corresponding formula required by the Affordable Housing Guidelines.
 - 3) Alternative Requirements—Applicants proposing to employ **paragraph 7.**, Alternative Requirements for Affordable Units, above shall provide a proposal specifying the land, buildings, off-site affordable units, and/or cash contribution; and a schedule and proposed security for providing these.
- c. Building Permit Application—The applicant shall submit a formal application for a building permit, including the Affordable Housing Plan form.
- d. Board of Appeals Application—The applicant shall make a formal application for a special permit to the Town Clerk.
- e. Housing Advisory Board Review—Except for applications proposing cash contributions under **paragraph 5, subparagraph b.**, the Housing Advisory Board shall, in the next regularly scheduled meeting after necessary public notice, review the Affordable Housing Plan and prepare a recommendation to the Planning Board.
- f. Planning Board Review—The Planning Board shall, in the next regularly scheduled meeting after necessary public notice, hear and make a recommendation on the special permit application. The recommendation of the Housing Advisory Board (or Director of Planning and Community Development with respect to cash contributions under **paragraph 5, subparagraph b.**), shall be considered by the Planning Board. The Planning Board shall explain any deviation from Housing Advisory Board recommendations in writing in its report to the Zoning Board of Appeals.

- g. Zoning Board of Appeals Meeting—The Zoning Board of Appeals shall meet to hear the special permit application. The Board of Appeals decision may require modifications, conditions, and safeguards, including documentation regarding affordability and funding commitments reasonably related hereto. The Zoning Board of Appeals shall explain any deviation from Housing Advisory Board recommendations in writing in its decision.

9. *Conditions*

- a. The Zoning Board of Appeals shall require that a Revised Affordable Housing Plan, which shall include any conditions in the grant of a special permit from the Zoning Board of Appeals, shall be submitted to the Director of Planning and Community Development for final approval prior to the issuance of a building permit. For projects providing affordable units, the Affordable Housing Plan shall include a reference to specific floor plans of the affordable units that shall be attached to the plan. For projects providing cash or other contributions under **paragraph 5, subparagraph b. or paragraph 7.**, the revised Affordable Housing Plan shall set forth a detailed description, if applicable, and schedule for contributions, including any documentation required to secure such, in accordance with the Affordable Housing Guidelines. The Revised Affordable Housing Plan shall be legally binding as part of a special permit which shall refer to it in any decision.
- b. Where set forth as a condition in the approved Revised Affordable Housing Plan, no building permit shall be issued until the applicant submits to the Director of the Department of Planning and Community Development a proper bond, letter of credit, or other financial instrument designed to secure performance of the requirements of this section.
- c. No building permit shall be issued until the applicant submits proof that the special permit decision of the Zoning Board of Appeals has been recorded and that the Director of Planning and Community Development has issued a final approval letter for the Revised Affordable Housing Plan.
- d. The Zoning Board of Appeals may impose conditions in which the Building Commissioner may limit, restrict, or withhold the issuance of a certificate of occupancy for any market rate unit(s) in a development until:
- 1) all of the affordable units have obtained a certificate of occupancy; or
 - 2) any land, buildings and/or off-site units required to be donated to the Town or its designee have been conveyed.
- e. Prior to issuance of any certificate of occupancy for the project including affordable units, the applicant shall submit to the Director of Planning and

Community Development for approval a plan for marketing and selection of occupants; initial rents or sales prices for the units designated as affordable; and, prior to their being recorded, condominium, cooperative or other homeowner association documents, as appropriate. For projects including affordable units for rent, this plan shall be recorded as a part of the affordable housing restriction set forth in **paragraph 6., subparagraphs k. and l.** herein. All plans shall be consistent with the Affordable Housing Guidelines.

10. *Affordable Housing Guidelines*

The Planning Board, in consultation with the Housing Advisory Board and after public notice and hearing, shall adopt Affordable Housing Guidelines.

11. *Contributions of Cash, Land and/or Buildings*

Cash contributions and donations of land and/or buildings made to the Town or its Housing Trust in accordance with this **§4.08** shall be used only for purposes of providing affordable housing for low, moderate and upper moderate income households as defined by this section.

and

(2) the following Section 5.09 in substitution for the existing Section 5.09:

§5.09 - DESIGN REVIEW

1. Purpose

The purpose of this section is to provide individual detailed review of certain uses and structures which have a substantial impact upon the character of the Town and upon traffic, utilities and property values therein, thereby affecting the public health, safety and general welfare thereof. The design review process is intended to promote the specific purposes listed in **§1.0, paragraph 1.** of this By-law.

2. Scope

In the following categories all new structures and outdoor uses, exterior alterations, exterior additions, and exterior changes which require a building permit under the Building Code, shall require a special permit subject to the community and environmental impact and design review procedures and standards hereinafter specified. Exterior alterations, exterior additions and exterior changes, including fences, walls, and driveways, to residential uses permitted by right in S, SC, and T districts; signs as

regulated in §§ 7.02, and 7.03; and regulated facade alterations as defined and regulated in §7.6 shall be exempt from the requirements of this section.

- a. Any structure or outdoor use on a lot any part of which is located in the G-1.75(CC) District or which fronts on or is within 100 feet of: Beacon Street Commonwealth Avenue, Boylston Street, Harvard Street, Brookline Avenue, or Washington Street.
- b. attached dwellings in groups of three or more.
- c. designed groups of single-family dwellings as per §5.11, paragraph 2.
- d. multiple dwellings with 10 or more units on the premises, whether contained in one or more structures.
- e. lodging houses and hotels.
- f. gasoline service stations.
- g. outdoor automobile sales and storage for sales.
- h. non-residential uses in a non-residential district with more than 10,000 square feet of gross floor area or with 20 or more parking spaces, except municipal facilities in I-1.0 districts when authorized by a two-thirds vote of Town Meeting.
- i. non-residential uses in a residential district with more than 5,000 square feet of gross floor area or with 10 or more parking spaces.
- j. any exterior addition for which a special permit is requested pursuant to §5.22.
- k. any structure for which a variance is requested pursuant to §9.09, paragraph 1., subparagraph d.
- l. all subdivisions of 10 lots or more.

3. Procedures

a. General

1) Preapplication—Prior to a formal submission to the Building Commissioner, the applicant is strongly encouraged to:

- a) consult with the Building Commissioner and Planning Director or their designees for technical advice relative to the community and

environmental impact and design review standards of this section;
and

- b) meet with abutters, tenants of abutters, Town Meeting Members, neighborhood associations, and other interested citizen groups to review the project plans, and the applicant should actively promote citizen involvement throughout the review process; and
- c) meet with the Planning Director or his/her designee to determine if the Planning Board has adopted design guidelines which pertain to the proposed project; and
- d) meet with the Transportation Director and the Planning Director or their designees for advice on the preparation of any required transportation studies.

2) Application—Applications for uses subject to community and environmental design review shall be submitted to the Building Commissioner and to the Board of Appeals in accordance with the procedure for special permits specified in §§ **9.03 and 9.04**, including the requirements for public notice and hearing and referral to the Planning Board. The report of the Planning Board to the Board of Appeals shall contain a specific evaluation or statement in relation to each of the following:

- a) fulfillment of the preapplication phase of this section;
- b) designation of the proposal as a major impact project (or exemption as such) as defined in **paragraph 3.**, of this section;
- c) conformance with each of the standards listed in **paragraph 4.** of this section; and
- d) conformance with the goals and objectives of the Comprehensive Plan.
- e) conformance with the Affordable Housing requirements in **§4.08**, where applicable.

The Board of Appeals shall not deny a special permit for any use or condition which requires a special permit solely because it falls into one of the categories listed in **§4.01, paragraph 3.**, unless it finds that the use or condition departs from the standards listed in **paragraph 4.** of this section to such an extent as to produce a serious adverse impact upon the character of the area or upon traffic, utilities and property values therein, thereby adversely affecting the public health, safety, and general welfare. In reviewing applications under this section, the Board of Appeals may require modifications,

conditions and safeguards reasonably related to the community and environmental impact and design standards of this section.

- b. Major Impact Projects Only—Prior to formal submission of an application to the Building Commissioner pursuant to this section, the applicant shall consult with the Planning Director and the Building Commissioner or their designees to determine whether such application involves a major impact project which shall be defined as any residential development of 16 units or more, any nonresidential development containing more than 25,000 square feet, or any other project with the potential for substantial environmental impact on the community. If the proposal is deemed by either official to be a major impact project, then the following procedural requirements shall be completed prior to the filing of an application with the Building Commissioner.
- 1) The applicant shall meet informally with the Planning Director and the Building Commissioner to discuss the development program and the relevant Zoning By-law requirements.
 - 2) The applicant shall submit to the Planning Director or his/her designee a program statement and zoning analysis of the proposed project, schematic site plan, massing model with a photo of the model, and perspective massing studies prior to a preliminary review by the Planning Board. If a floor area bonus is proposed, the applicant shall first present material for a proposal without any bonus and then an alternative with the bonus, indicating the public benefit features possible, if the bonus is granted.
 - 3) The Planning Director or his/her designee shall, in the normal course of notification of the Planning Board's preliminary meeting on the project, send the program statement, zoning analysis, and schematic site plan to the following departments and boards: Building, Engineering/Transportation, Fire, Police, Public Works, Conservation Commission, Economic Development Advisory Board, Preservation Commission, and, if a residential development, the Housing Advisory Board. The enumerated departments and commissions and any other entities with an interest in the project may at their discretion submit in writing a statement of their concerns and recommendations to the Planning Board and Board of Appeals.
 - 4) The Planning Board shall review these materials at a regular Planning Board meeting and shall issue an initial report to the applicant within three weeks of the preliminary meeting. Once the basic environmental aspects of the proposal, and in the case of a residential development project of sixteen units or more, the affordable housing aspects of the proposal, are reviewed by the Planning Board, the applicant may proceed with a formal submission to the Building Commissioner.

- c. All §5.09 Projects—To aid the Board of Appeals in making the findings required in **§9.05** and the Planning Board in preparing the advisory report provided in **§9.04**, the applicant shall submit the following materials in addition to the usual drawings at the time of application to the Building Commissioner:
- 1) Model—An inexpensive study model or final presentation model at a minimum scale of 1 inch equals 20 feet showing the tract, abutting streets, proposed contours, proposed buildings, and the massing of abutting buildings. (Not required for additions, alterations, or changes which increase gross floor area by less than 100 percent.)
 - 2) Drawing of Existing Conditions—A drawing showing the location, type, size, or dimension of existing trees, rock masses, and other natural features with designations as to which features will be retained. In order to meet the conditions for approval of a special permit as specified in **§9.05** all existing trees, rock masses, and other natural features shall be retained until a special permit is approved.
 - 3) Drawing of Proposal
 - a) Structure—A drawing including color and type of surface materials showing front and rear elevations, and side elevations where there are no adjoining buildings, and floor plans.
 - b) Landscaping—A drawing showing the location, dimensions, and arrangements of all open spaces and yards, including type and size of planting materials, color and type of surface materials, methods to be employed for screening, and proposed grades.
 - 4) Photographs—Photographs showing the proposed building site and surrounding properties, and of the model (if required). Applications for alterations and additions shall include photographs showing existing structure or sign to be altered and its relationship to adjacent properties.
 - 5) Impact Statement—A statement by applicant with explanation of how each of the community and environmental impact and design standards is incorporated into the design of the proposed development. Where a particular standard is not applicable, a statement to that effect will suffice. An environmental impact statement prepared in accordance with state or Federal regulations may be accepted as a substitute in lieu of this statement.
 - 6) Transportation Studies—Certain projects which, due to their size, use characteristics or location, may have a significant impact on traffic require the preparation of transportation studies. The following development threshold levels indicate the nature of studies required. However, additional studies may be required for projects of any size which the Transportation Director or the Planning Director consider may have substantial environmental effects on

the community. Any required transportation studies must be prepared in accordance with the Transportation Access Plan Guidelines issued by the Transportation Department.

- a) Projects with more than 10,000 square feet of non-residential space or 10 dwelling units shall require the preparation of a Project Summary and Project Description.
- b) Projects with more than 25,000 square feet of non-residential space or 25 dwelling units shall require the preparation of a Transportation Impact Study and Access Plan and may require the preparation of an Access Plan Agreement.
- c) Projects over 100,000 square feet of non-residential space or 100 residential units shall require the preparation of a Transportation Impact Study and an Access Plan Agreement.
- d) Parking resulting from a Transportation Access Plan Agreement shall receive an annual permit from the Building Department. The permit shall require the fulfillment of all elements of the Transportation Access Plan.

d. Design Advisory Teams

The Planning Board is authorized to appoint a Design Advisory Team (DAT) to provide professional design review assistance to the Planning Board and the Planning Department in the review of certain **§5.09** projects which may have a significant impact on the character of the area. At the direction of the Planning Board, the applicant may be required to meet with the DAT to discuss resolution of design concerns. Following a meeting with the DAT, the applicant must include in any further submissions its response to issues raised by the DAT. The DAT may also submit a report to the Planning Board for its consideration.

e. Plan Revisions

Any plans revised after a formal application has been made to the Building Commissioner shall be submitted in triplicate to the Building Commissioner prior to the Board of Appeals hearing. Once the Board of Appeals public hearing on the proposal is closed, any plan revision, other than a change governed by a condition of the Board of Appeals approval, which in any way affects or alters the visual appearance of the facade, roof, or cornice line, or modifies the site plan, shall be reviewed by the Building Commissioner and the Planning Director, or their designees. If such revision is deemed by either the Building Commissioner or Planning Director to constitute a change other than a minor modification, the matter shall be referred to the Planning Board for its recommendation in accordance with the

community and environmental impact and design review standards of this section and to the Board of Appeals for any action it deems appropriate.

4. Community and Environmental Impact and Design Standards

The following standards shall be utilized by the Board of Appeals and Planning Board in reviewing all site and building plans. These standards are intended to provide a frame of reference for the applicant in the development of site and building plans as well as a method of review for the reviewing authority. These standards shall not be regarded as inflexible requirements. They are not intended to discourage creativity, invention and innovation. The specification of one or more particular architectural styles is not included in these standards. The standards of review outlined in **paragraphs a through o.** below shall also apply to all accessory buildings, structures, freestanding signs and other site features, however related to the major buildings or structures.

- a. Preservation of Landscape—The landscape shall be preserved in its natural state, insofar as practicable, by minimizing tree and soil removal, and any grade changes shall be in keeping with the general appearance of neighboring developed areas.
- b. Relation of Buildings to Environment—Proposed development shall be related harmoniously to the terrain and to the use, scale, and architecture of existing buildings in the vicinity that have functional or visual relationship to the proposed buildings. The Board of Appeals may require a modification in massing so as to reduce the effect of shadows on abutting property or on public open space and public streets. The street level of a commercial building should be designed for occupancy and not for parking. Unenclosed street level parking along the frontage of any major street as listed in **paragraph, 2., subparagraph a.** of this section is strongly discouraged. Otherwise, street level parking should be enclosed or screened from view.
- c. Open Space—All open space (landscaped and usable) shall be so designed as to add to the visual amenities of the vicinity by maximizing its visibility for persons passing the site or overlooking it from nearby properties. The location and configuration of usable open space shall be so designed as to encourage social interaction, maximize its utility, and facilitate maintenance. All landscaped open space shall be continuously maintained.
- d. Circulation—With respect to vehicular and pedestrian circulation, including entrances, ramps, walkways, drives, and parking, special attention shall be given to location and number of access points to the public streets (especially in relation to existing traffic controls and mass transit facilities), width of interior drives and access points, general interior circulation, separation of pedestrian and vehicular traffic, access to community facilities, and arrangement of parking areas that are safe and convenient and, insofar as practicable, do not detract from the use and enjoyment of proposed buildings and structures and the neighboring properties.

- e. Surface Water Drainage—Special attention shall be given to proper site surface drainage so that removal of surface waters will not adversely affect neighboring properties or the public storm drainage system. Storm water shall be removed from all roofs, canopies and paved areas and carried away in an underground drainage system. Surface water in all paved areas shall be collected at intervals so that it will not obstruct the flow of vehicular or pedestrian traffic, and will not create puddles in the paved areas.
- f. Utility Service—Electric, telephone, cable TV and other such lines and equipment shall be underground from the source in the public way to all buildings on the site. The location and screening of transformers and dumpsters shall be indicated on the site plan. The proposed method of sanitary sewage disposal and solid waste disposal shall be indicated.
- g. Advertising Features—The size, location, design, color, texture, lighting and materials of all permanent signs and outdoor advertising structures or features shall not detract from the use and enjoyment of proposed buildings and structures and the surrounding properties.
- h. Special Features—Exposed storage areas, exposed machinery installations, service areas, truck loading areas, utility buildings and structures, and similar accessory areas and structures whether on the building or on the ground, shall be subject to such setbacks, screen plantings or other screening methods as shall reasonably be required to prevent their being incongruous with the existing or contemplated environment and the surrounding properties.
- i. Safety and Security—With respect to personal safety, all open and enclosed spaces shall be designed to facilitate building evacuation and maximize accessibility by fire, police, and other emergency personnel and equipment. Insofar as practicable, all exterior spaces and interior public and semi-public spaces be so designed as to minimize the fear and probability of personal harm or injury by increasing the potential surveillance by neighboring residents and passersby of any accident or attempted criminal act.
- j. Heritage—With respect to Brookline's heritage, removal or disruption of historic, traditional or significant uses, structures, or architectural elements shall be minimized insofar as practicable, whether these exist on the site or on adjacent properties.
- k. Microclimate—With respect to the localized climatic characteristics of a given area, any development which proposes new structures, new hard-surface ground coverage, or the installation of machinery which emits heat, vapor, or fumes, shall endeavor to minimize, insofar as practicable, any adverse impact on light, air, and water resources, or on noise and temperature levels of the immediate environment. The development shall comply with the provisions of the Noise Control By-law.

- l. Energy Efficiency—To the maximum extent possible, proposals shall utilize energy-efficient technology and renewable energy resources and shall adhere to the principles of energy-conscious design with regard to orientation, building materials, shading, landscaping, and other elements. Efforts shall be made to harmonize energy-related components with the character of the building and its surroundings and to prevent adverse effects on the energy consumption of neighboring structures and on the environment.

- m. Specific Standards for Beacon Street And Coolidge Corner General Business District
 - 1) A front setback may be required greater than would be required under **§5.54, paragraph 2.**, if deemed necessary to preserve the line of existing facades where this is essential to the purposes of this section.

 - 2) Where preservation of the existing roof or cornice line of adjoining buildings is considered necessary to the preservation of the desirable visual quality and property values of a particular part of Beacon Street, or the G-1.75 (CC) District, conformance with that roof or cornice lines may be required; or, in the case of new buildings permitted to be taller than such adjoining buildings, a setback of the building may be required at the level of the adjoining roof or cornice line.

 - 3) Where the nature of the following design features is considered significant to the preservation or enhancement of the desirable visual quality and property values of a particular part of Beacon Street, or of the G-1.75 (CC) District, any new structure or alteration shall be harmoniously related to nearby pre-existing structures and the street facade in terms of color, texture, materials, scale, height, setbacks, roof and cornice lines, signs, and design elements such as door and window size and location, door and window detailing including materials for sills, lintels, frames, and thresholds, and any other major design elements.

- n. Guidelines—The Planning Board is authorized to adopt additional guidelines for specific areas of the Town, subject to public notice, hearing and review by the Planning Board. These guidelines amplify the standards outlined in **subparagraphs a. through l.** above. The goal of these guidelines is to promote building design which is compatible with the character of the Town and its neighborhoods and to avoid negative impacts on these neighborhoods. The guidelines shall be used by the reviewing authority in considering proposals. Strict adherence to the guidelines shall be important in all new development projects but will be especially important where an applicant seeks to take advantage of higher floor area or building height than allowed in **§5.00** by providing public benefits under the provisions of **§5.21** and **§5.32**. The guidelines include, but are not limited to, consideration of the following concerns: building massing and setbacks which may in certain cases be more restrictive than those otherwise specified in this By-law; provision of screening and maintenance of screening between non-residential and residential properties; design and location of parking areas and structures; provision of site vehicular access; provision of streetscape improvements including widened sidewalks and streetscape

amenities; design character and materials of building facades; and building design and active uses at first floor level facing a public street.

- o. Limited Service Hotel District (Use 8A)—Notwithstanding the other provisions hereof, no special permit shall be required under **§5.09** for a Use 8A – Limited Service Hotel in the G-1.75 (LSH) Limited Service Hotel District which otherwise satisfies the applicable provisions of this By-law. In the G-1.75 (LSH) Limited Service Hotel District, the area of any floor space intended and designed for on-site or off-site parking which is made available for use by the public in a limited service hotel, and any increase in floor area in any existing building resulting from additional parking provided for use by the public in such building or the lot on which such building is located shall not be included in calculating the gross floor area of any building. In addition, in the G-1.75 Limited Service Hotel District, (i) there shall be no minimum rear yard requirement and no minimum setback requirements (either above or below grade) for any structure or facility which provides parking for use by the public and which is otherwise permitted under this By-law, and (ii) access drives for any such structure or facility may be located on an adjoining lot and share a common driveway with such lot. Except to the extent specifically otherwise provided in this By-law, all of the provisions of the By-law applicable to the G-1.75 (CC) Coolidge Corner District (including, without limitation, **§5.06, paragraph 2.** shall apply to the G-1.75 (LSH) Limited Service Hotel District.

or act on anything relative thereto.

ARTICLE 15

To see if the Town will replace the existing text of Section 4.08(3)(e) 1) (references are to the Restructured By-Law) of the Zoning By-Law with the following:

If at the time of filing an application for a building permit the number of units in the Town that are qualified as low or moderate income units under the Comprehensive Permit Law (Mass. General Laws Chapter 40B, Sections 20-23, and regulations thereunder) is more than 10% of the total units attributed to the Town, then of the affordable units, 25% shall serve low, 50% moderate, and 25% upper moderate income households; otherwise all of the affordable units shall qualify for at least 100 years as low or moderate income units under said Comprehensive Permit Law,

or act on anything relative thereto.

ARTICLE 16

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. (c) and substituting new sections 3 (c) and 3 (d) therefor:

"(c) St. Aidan's Local Historic District

There is hereby established an Historic District, to be entitled the "St. Aidan's Historic District", the boundaries of which shall be shown on the map entitled "St. Aidan's Historic District" which accompanies and is hereby declared to be part of this By-law.

(d) 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.

ARTICLE 17

To see if the Town will amend SECTION 5.3.12, entitled Notice, by deleting, in the first sentence, the words "the immediate abutters to the subject property" and by replacing those words with the following:

"the immediate abutters to the subject property, the owners of land directly opposite on any public or private street, and abutters to the abutters within three hundred feet of the property line of the subject property as they appear on the most recent applicable tax list;"

or act on anything relative thereto.

ARTICLE 18

To see if the Town will change the name of the land, bounded by Marion, Park and Vernon Streets, now known as Saint Mark's Park, to Judge Henry P. Crowley Park, or act on anything relative thereto.

ARTICLE 19

To see if the Town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT CHANGING THE PERCENTAGE OF TOTAL TAX LEVY IMPOSED ON ANY CLASS OF REAL AND PERSONAL PROPERTY AND PROVIDING A TAX

EXEMPTION FOR CERTAIN SMALL BUSINESSES IN THE TOWN OF BROOKLINE.

BE IT ENACTED, by the Senate and House of Representatives in the General Court Assembled and by the authority of the same, as follows:

Section 1. Notwithstanding any special or general law to the contrary, including, without limiting the foregoing, section 1A in Chapter 58 of the General Laws, in the town of Brookline, the limitation of one hundred and seventy-five percent of the full and fair cash valuation of the taxable property in said class set forth in part (a) in the fourth sentence in the second paragraph in Section 1A in Chapter 58 of the General Laws, shall be changed to two hundred percent, so that in the town of Brookline the limitation shall be two hundred percent and not one hundred seventy-five percent.

Section 2. Notwithstanding any special or general law to the contrary, including, without limiting the foregoing, Section 5I in Chapter 59 of the General Laws, in the town of Brookline, the exemption and conditions set forth in the first paragraph of Section 5I of Chapter 59 shall be modified as follows: In the town of Brookline with respect to each parcel of real property entirely or in part classified as class three, commercial, or class four, industrial, when the town of Brookline is certified by the Commissioner to be assessing all property at its full and fair cash valuation, and at the option of the Board of Selectmen, there shall be an exemption equal to not more than twenty percent of the commercial or industrial value of each parcel; provided, however, that such exemption shall only apply to property that is occupied by businesses that, at that location and all other combined, have an average annual employment of no more than ten people during the previous calendar year as certified by the Commissioner of the Department of Employment and Training. There shall be no limitation with regard to the assessed valuation of parcels in order to qualify for this exemption. In properties where all businesses do not qualify, the exemption shall be prorated according to the percentage of commercial or industrial square footage of the building that does qualify. The exemption granted under this provision shall be prorated with the owner of the real estate receiving fifty percent of the benefit and the remaining fifty percent being prorated to the owners of the business that qualify by the owners of the real estate unless lease agreements provide otherwise. This exemption shall be in addition to any exemption allowable under section five. The value of exemptions granted under this Section shall be borne by the combined value of class three, commercial property and class four, industrial property.

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

or act on anything relative thereto.

ARTICLE 20

To see if the town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT CONCERNING THE SALE OF ALCOHOLIC BEVERAGES IN THE TOWN OF BROOKLINE ON SUNDAYS.

Be It Enacted, etc., as follows:

Section 1. Notwithstanding any special or general law to the contrary, in the town of Brookline, the local licensing authority may authorize the holder of a license under section twelve, in General Laws, Chapter one hundred thirty-eight, to sell alcoholic beverages on Sundays between the hours of twelve midnight and two o'clock antemeridian.

Section 2. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 21

To see if the Town will authorize and approve the filing of a petition with the General Court in substantially the following form:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE CERTAIN TOWN-OWNED PROPERTY FOR TWENTY-FIVE YEARS

BE IT ENACTED, etc., as follows:

SECTION 1. The town of Brookline is hereby authorized to lease the town-owned property known and numbered as:

- 29 Avon Street,
- 15 Newton Street (the Carriage House and its contiguous site occupied by the Antique Auto Museum of Massachusetts at Larz Anderson Park, Inc., a non-profit Massachusetts corporation),

for a period not to exceed twenty-five years, upon such terms and conditions as the board of selectmen shall determine, provided that the terms and conditions of any lease shall be approved by a town meeting of said town:

SECTION 2. This act shall take effect upon its passage.

or act on anything relative thereto.

ARTICLE 22

To see if the Town will authorize and empower the Board of Selectmen to lease, in accordance with proposals submitted under General Laws, Chapter 30B, the town owned property known and numbered as:

27 Ackers Avenue

for not more than ten years and such additional terms and conditions determined by the Board of Selectmen to be in the best interest of the town, or act on anything relative thereto.

ARTICLE 23

To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the creation, preservation and support of community housing, the acquisition, creation and preservation of open space, the acquisition, creation and preservation of land for recreational use, the acquisition and preservation of historic resources, and the rehabilitation and restoration of such community housing, open space, land for recreational use and historic resources that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or act on anything relative thereto.

ARTICLE 24

To see if the town will raise and appropriate, or appropriate from available funds, a sum of money, to be expended under the direction of the Commissioner of Public Works, with the approval of the Board of Selectmen, for the removal of the Carlton Street footbridge, or act on anything relative thereto.

ARTICLE 25

To see if the town will appropriate a sum of money, to be expended under the direction of the Board of Selectmen, for the cost of engineering services for plans and specifications for and for the reconstruction and repair of the Carlton Street Footbridge, with provision for full Americans With Disabilities Act compliance consistent with its historic design; determine whether such appropriation shall be raised by taxation, transferred from available funds, provided by borrowing or any combination of the foregoing; and authorize the Board of Selectmen to apply for, accept and expend grants, gifts, aid and reimbursements from federal, state and private sources and agencies for such purposes, provided that the project will only proceed if no less than 60% outside funding is obtained; or act on anything relative thereto.

ARTICLE 26

To see if the Town will vote to amend Section 2.5.2 of the Town By-Laws by adding, after the second paragraph, the following new paragraph:

The Combined Reports shall include, with each recommendation of the Board of Selectmen and the Advisory Committee, a statement of the number of members voting for and against the recommendation and a roll-call showing the vote of each member. When a minority report is presented, the Combined Reports shall identify the members supporting the minority report.

or act on anything relative thereto.

ARTICLE 27

That the Town Meeting, by its affirmative vote at the Annual Meeting, establish the PUTTERHAM MEADOWS GOLF COURSE ENTERPRISE COMMISSION by adopting the following:

SECTION 1: There is established effective July 1, 2002, a commission of the Town which will be known as the PUTTERHAM MEADOWS GOLF COURSE ENTERPRISE COMMISSION (the "COMMISSION").

SECTION 2. The commission shall consist of five (5) citizens of the Town who shall initially be the five (5) members of the Putterham Meadows Golf Course Advisory Committee on June 30, 2002. The terms of such initial members shall expire on June 30, 2003, and thereafter, the Town Moderator shall appoint members for three (3) year terms commencing July 1, 2003 as follows: two in 2003; one in 2004; and two in 2005. Thereafter, upon the expiration of the term of each member, the Town Moderator shall appoint a member for a term of three years. Whenever a vacancy occurs, a member shall be appointed by the Town Moderator to fill the remainder of the unexpired term.

SECTION 3. While the Town Moderator may appoint such persons as he may deem qualified and appropriate, he should, using as a guideline, if and as possible, include as members of the Committee persons with training, experience or understanding with respect to financial controls and reporting, commercial, contract, and municipal law, facilities management, and the organization and management of golf activities for which the Putterham Meadows Golf Course is or may be used.

SECTION 4A. The Commission shall have such care, custody and control of the land and improvements owned by the Town of Brookline, numbered 1281 West Roxbury Parkway and generally being all of the land, buildings, and improvements currently utilized and known as the Putterham Meadows Golf Course (the "Facility"), that would permit the Commission, solely or in conjunction with the Town's Department of Public Works, whichever may be deemed lawful and/or appropriate, to do everything necessary

or desirable to operate, maintain and enhance, in a prudent and business like manner designed to be self sustaining, the Facility.

SECTION 4B. The Commission, in addition to other duties conferred thereon, would have the responsibility to conduct, independently, an audit review of the activities, budgets, revenues and expenditures of the Enterprise Fund established for the Putterham Meadows Golf Course. To periodically prepare and file reports, no less than once annually, Such report(s) shall include, but not necessarily be limited to, the appropriateness and issues of compliance in the utilization and effectiveness in the application of receipts and expenditures at the Putterham Meadows Golf Course.

SECTION 5. After notice and a hearing, the Town Moderator may remove a member of the Commission for good cause shown and may also remove a member if such removal is recommended by a majority vote of all the remaining members of the Commission (not including the member whose status is at issue) for failure to perform Commission duties or to abide by Commission rules and procedures duly adopted. If the Commission makes such a removal recommendation to the Town Moderator, the Town Moderator will investigate the facts and circumstances and schedule a public hearing at which the Commission shall have a right to appear and give evidence.

SECTION 6. The Commission may, from time to time, after a public hearing, adopt rules for its own governance and adopt rules and regulations for the governance of the Facility.

SECTION 7. The Commission shall elect, annually from among its members, a Chairman, and may elect such other officers as its rules may provide.

SECTION 8. The Commission shall submit to the Selectmen and to the Advisory Committee, a comprehensive annual written report on its operations and activities, and on the financial affairs of the Facility, and an interim status report on such matters at six month intervals between annual reports. In addition, for purposes of budgeting and to enhance public information concerning the Facility and the performance of the Commission. The Commission and the Selectmen shall schedule a joint meeting semi-annually, at which meeting the Commission will summarize its recently submitted report and be prepared to answer any question thereon.

SECTION 9. The Commission shall submit, as a part of the regular municipal budget process, to the Selectmen and the Advisory Committee, an annual operating budget including utilization in the next fiscal year of funds from operating receipts of the Facility. Each year the Commission shall present for comment, to the Selectmen and the Advisory Committee, a rolling five year capital and facility plan.

SECTION 10. The accounts of the Facility shall be audited annually as part of the Annual Town Audit, and the Commission shall take such additional steps as it may deem necessary or desirable to insure a high degree of confidence in the controls of the Facility's receipts and expenditures.

SECTION 11. For the purposes of Section 12 of Chapter 30B of the Massachusetts General Laws, the Commission may enter into leases of the restaurant and golf maintenance contracts for a term or terms not exceeding three (3) years or upon such terms permitted or approved pursuant to the laws of the Commonwealth of Massachusetts.

Being cognizant of ACTS, 1981, - Chapter 32. AN ACT REORGANIZING THE DEPARTMENT OF PUBLIC WORKS AND THE PARK AND RECREATION COMMISSION IN THE TOWN OF BROOKLINE, that the Town Meeting, by its affirmative vote, establish the Commission as described above to operate the Putterham Meadows Golf Course; or, in conjunction therewith or alternatively, establish the Commission with advisory oversight powers as enumerated in Section 4B, above; or that the Town Meeting, by its affirmative vote, authorize and direct the filing of a home rule petition to repeal Chapter 32 of the Acts of 1981; or by its affirmative vote, act on anything relative thereto and consistent herewith.

ARTICLE 28

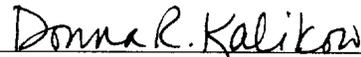
Reports of Town Officers and Committees

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 Town Clerk, FOURTEEN DAYS at least before the day of said meeting.

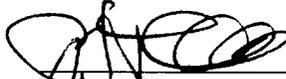
Given under our hands and the seal of the Town of Brookline, Massachusetts, this 26th day of March, 2002.

Board of Selectmen



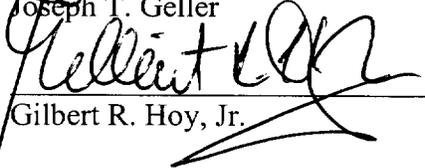
Donna R. Kalikow, Chair

A TRUE COPY



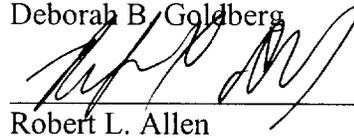
Joseph T. Geller

ATTEST



Gilbert R. Hoy, Jr.

Deborah B. Goldberg



Robert L. Allen

[Town Seal]