MINUTES

SELECT BOARD

04/06/2021

Present: Select Board Member Bernard W. Greene, Select Board Member Nancy S. Heller, Select Board member Heather Hamilton, Select Board Member Raul Fernandez, Select Board Member John VanScoyoc

5:00 pm recorded meeting virtual meeting using the zoom platform

ANNOUNCEMENTS/UPDATES

Board member Fernandez announced that Maya is the newest addition to his family. He thanked the Board and Town Administrator Kleckner Mel for the flowers and all the well-wishers. Thank you to the City Council in Cambridge for preparing a resolution in Maya's honor.
Nancy Tom Brady, Brookline's Tree Warden and Conservation Administrator, has been named the state's Conservation Administrator of the Year. Congratulations to Tom.

PUBLIC COMMENT

1. Ruth Kaplan spoke on the golf course vendor process and she feels that Vine Ripe provided great food at reasonable prices to the community. It is sad that Park and Rec took away this establishment. Why did they waste our time with a pointless public hearing? We need to change the bylaw on this practice. Yesterday there was no motion made at their meeting to change anything.
2. Amy Lampert said she is discouraged with the Vine Ripe process and that the Select Board removed them from the process. The process may have passed the legal test, but not the moral test. The owner was not treated fairly throughout the whole process. Our leaders have taken a passive stance.
3. Regina Frawley spoke on Homeland Security funding to police depts. all over the country. It has never been explained how these funds were used in the past. We need to direct where the grants go and be in line with the reform and reimagine initiatives. Years ago there was no raise to officers here, but the homeland security funds were baked into their salaries.
4. Donelle O'Neal spoke on article 28 and urged the board to review it a little bit more. Is there a time we can talk specifically where that $500k will be going and supporting?

MISCELLANEOUS

Question of approving the following meeting minutes:
Thursday, March 18, 2021
Tuesday, March 23, 2021
Tuesday, March 30, 2021

On motion it was,
Voted to approve the minutes of Thursday, March 18, 2021 and Tuesday, March 23, 2021
Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

On motion it was,

Voted to approve the minutes of March 30, 2021
Aye: Bernard Greene, Nancy Heller, Heather Hamilton, John VanScoyoc
Abstained: Raul Fernandez

CONTRACT

Question of awarding and executing Contract No. PW/21-14 “Reconstruction of Columbia St and Hamilton Rd” with Fred DeRoma and Son, Inc., 45 Grew Ave, Roslindale, MA 02131 in the amount of $718,977.27.

On motion it was,

Voted to award and execute Contract No. PW/21-14 “Reconstruction of Columbia St and Hamilton Rd” with Fred DeRoma and Son, Inc., 45 Grew Ave, Roslindale, MA 02131 in the amount of $718,977.27.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CALENDAR

SALE OF BONDS

Question of authorizing $14,190,000 General Obligation Bonds of the Town to Robert W. Baird & Co.

Finance Director Jeana Franconi reviewed the bonds in the amount of $14.2 million for the parcel at Newbury College. They received a favorable interest rate of 1.889 interests, and the premium reduced the principal.

On motion it was:

I, the Clerk of the Select Board of the Town of Brookline , Massachusetts (the "Town"), certify that at a meeting of the board held April 6, 2021, of which meeting all members of the board were duly notified and at which a quorum was present, the following votes were unanimously passed, all of which appear upon the official record of the board in my custody:

Voted: that the sale of the $14,190,000 General Obligation Land Acquisition Bonds of the Town dated April 13, 2021 (the " Bonds") to Robert W. Baird & Co, Inc.at the price of $14,998,555.92 and accrued interest, if any, is hereby approved and confirmed. The Bonds shall be payable on April 1 of the years and in the principal amounts and bear interest at the respective rates, as follows :

Year	Amount	Interest Rate	Year	Amount	Interest Rate
2022	$370,000	5.00%	2032	$560,000	2.00%
2023	370,000	5.00	2033	575,000	2.00
2024	390,000	5.00	2034	585,000	2.00
2025	410,000	5.00	2035	595,000	2.00
2026	430,000	5.00	2036	610,000	2.00
2027	455,000	5.00	2037	620,000	2.00
2028	475,000	5.00	2038	630,000	2.00
2029	500,000	5.00	2040	1,305,000	2.00
2030	525,000	5.00	2043	2,055,000	2.00
2031	550,000	2.00	2046	2,180, 000	2.125

Further Voted: that the Bonds maturing on April 1, 2040, April 1, 2043 and April 1, 2046 (each a "Term Bond") shall be subject to mandatory redemption or mature as follows:

Term Bond due April 1, 2040

Year	Amount
2039	$645,000
2040*	660,000

Term Bond due April 1, 2043

Year	Amount
2041	$670,000
2042	685,000
2043 *	700,000

Term Bond due April 1, 2046

Year	Amount
2044	$710,000
2045	725,000
2046*	745,000

Further Voted: that in connection with the marketing and sale of the Bonds, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated March 4, 2021, and a final Official Statement dated March 17, 2021 (the "Official Statement"), each in such form approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the Bonds shall be subject to redemption, at the option of the Town, upon such terms and conditions as are set forth in the Official Statement.

Further Voted: that the Town Treasurer and the Select Board be, and hereby are, authorized to execute and deliver a continuing disclosure undertaking in compliance with SEC Rule 15c2-12 in such form as may be approved by bond counsel to the Town, which undertaking shall be incorporated by reference in the Bonds for the benefit of the holders of the Bonds from time to time.

Further Voted: that we authorize and direct the Town Treasurer to establish post issuance compliance procedures in such form as the Town Treasurer and bond counsel deem sufficient, or if such procedures are currently in place, to review and update said procedures, in order to monitor and maintain the tax-exempt status of the Bonds and to comply with relevant securities laws.

Further Voted: that each member of the Select Board, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

I further certify that the votes were taken at a meeting open to the public; that no vote was taken by secret ballot; that a notice stating the place (or method of accessing), date, time and agenda for the meeting (which agenda included the adoption of the above votes) was filed with the Town Clerk and a copy thereof posted in a manner conspicuously visible to the public at all hours in or on the municipal building at which the office of the Town Clerk is located or, if applicable, in accordance with an alternative method of notice prescribed or approved by the Attorney General as set forth in 940 CMR 29.03(2)(b), at least 48 hours, not including Saturdays, Sundays and legal holidays, prior to the time of the meeting and remained so posted at the time of the meeting; and that no deliberations or decision in connection with the sale of the Bonds were taken in executive session, all in accordance with G.L. c.30A, §§18-25 as amended and in accordance with the Governor ' s emergency order dated March 12, 2020 authorizing remote meetings during the Covid-19 related state of emergency, if applicable.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

TOWN-BROOKLINE HOUSING AUTHORITY WORKING GROUP INTERVIEWS

Interview and possible vote on the following resident candidates for the Town of Brookline - Brookline Housing Authority Working Group:

Kimberley Richardson
Valencia Sparrow

Kimberley Richardson
Kimberly Richardson is a BHA resident and mother of 8 and is interested in supporting BHA residents. She said that it feels like these residents are lost in the community. She spoke on efforts to have the BHA properties look good on the outside for folks that drive by, but not that great on the inside. This community needs to be acknowledged. She is a graduate student and a member of the Task Force for reimaging Policing.

JVS noted that Kimberly has been a participant on the Reimagining Police Task Force and offers an honest and informative perspective.

Valencia Sparrow
Valencia Sparrow is a 35 year resident that has watched the community grow; the changes and influx of multicultural people. As a senior representative it is vital we look at the sidewalks, ramps etc. in efforts to keep the elderly and community safe. She spoke on elder services and would like to see residents of the BHA properties more in tuned with the happenings at the Senior Center and other community events. She was a budgetary analysis for many years, has experience in community outreach and would like to see that people keep their promises to community members.

On motion it was,

Voted to appoint Kimberley Richardson to the Brookline Housing Authority Working Group
Voted to appoint Valencia Sparrow to the Brookline Housing Authority Working Group

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

FY22 DEPARTMENTAL BUDGET REVIEW

Review of the FY22 Departmental Budgets for the Department of Council on Aging and the Department of Health and Human Services and Office of Veteran's Affairs.

Council on Aging

Council on Aging Director, Ruthann Dobek gave a presentation.

Covid placed a special emphasis on how vulnerable the elderly are during this time. This has been a major focus this year.

- The 2010 census shows up the senior population is rapidly growing.
- Poverty and financial insecurity is a major concern 18% have an annual income of under 20k 39% have an annual income of under 50k
- Reduced services due to Covid resulted in a cut to their budget by 10%
- The $92k decrease was made up through Covid cares money and CDBG grant funds for grocery and transportation services. Increased fundraising efforts and the community responded. They have 475 volunteers that provide 50k hours of direct services.
- Their $988k budget will still be down $22k; prior to Covid the department was underfunded and not able to meet all needs for the senior community
- With vaccination rates rising they are optimistic about the future

A discussion ensued on the senior population growth, baby boomer projections and efforts to find satellite locations for the Senior Center.

Board member Fernandez asked about interpretation services. Ms. Dobek reviewed their partnership with other organizations to provide translation series and dome of their volunteers can provide these services for a small stipend.

HEALTH AND HUMAN SERVICES

Dr. Jett noted that this past year the main focus has been related to Covid19. He gave a brief presentation

that included:

- Vision and mission
- Essential public health services guides them on what they are doing and what they are missing.
- Organization chart
- Objectives and goals
- Future of public health

Their total budget is $1.5 million with 85% of that from salaries

The board discussed the reduction in cleaning efforts because the chances of contacting Covid through surfaces have diminished; the reduction of this practice will result in cost savings.

D. Jett spoke on the need to add social workers in the lower school grades, currently there are only two at the high school. He reviewed where he feels extra social workers would be a benefit.

Chair Greene acknowledged the need for social services and asked if there is any reason why your dept. can't accommodate the increased need.
Dr. Jett replied funding and hiring staff. Perhaps a focus group can help us flush out what is needed.

Veteran's Affairs

Bill McGroarty, Director of Veterans Affairs noted that their budget is asking for level funding. Their services were reduced due to Covid. He reviewed they're working from home abilities and the office's efforts to continue to provide services to veterans, like providing food and supplies, grief and assisting with VA related services. There has been an increase in people seeking financial help. Children of older veterans that are homebound are seeking assistance.

NOISE BY-LAW WAIVER PUBLIC HEARING CONTINUED

Question of approving the noise bylaw waiver request for Skanska USA Building, Inc. for work on the Brookline High School Expansion project at 111 Cypress Street and the MBTA Brookline Hills Station Work at Tappan Street from April 22, 2021 to December 8, 2021 on weekdays from 7:01 PM to 6:59 AM and weekends from 6:01 PM to 8:29 AM.

Ray Masak, Building Department gave a brief update on the project. To date the MBTA has given enough support for us to move ahead. He reviewed the challenging process and the proposed schedule which has a completion date of December 2021.

Board member Heller agreed this has been an arduous process with the MBTA and the pandemic. She asked about the jackhammers and backup vehicle noises.

Rob Mulligan, Skanska USA, reviewed how they stockpiled the concreate in efforts to break them up into smaller pieces during the day. The equipment backup noise is an OSHA provision to make sure workers are protected; they will take steps to minimize the noise where we can. Mr. Mulligan reviewed that crew has had conversations with a couple of neighbors that had concerns.

Public hearing:
Unidentified: What is the best way to get in touch with those related to the project? Ray Masak

provided his contact information.

Hearing closed.

On motion it was,

Voted to approve the noise bylaw waiver request for Skanska USA Building, Inc. for work on the Brookline High School Expansion project at 111 Cypress Street and the MBTA Brookline Hills Station Work at Tappan Street from April 22, 2021 to December 8, 2021 on weekdays from 7:01 PM to 6:59 AM and weekends from 6:01 PM to 8:29 AM.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

POLICING COMMITTEE/TASK FORCE RECOMMENDATIONS

Discussion and possible vote on the process/schedule and recommendations from the Committee on Policing Reforms and the Task Force to Reimagine Policing in Brookline.

Chair Greene made a presentation with four recommendations that have, more or less reached common ground on.

Common Ground Recommendations: Respecting the desire of many members of the Policing Reforms Committee to find common ground with the Task Force on Re-imagining Policing. The committee agreed to seek agreement from the task Force on 4 recommendations. These are the recommendations, plus a fifth procedural recommendation will be presented for a vote tonight.

1. Police Commissioners Advisory Committee
2. Consulting Procurement for Cahoots program
3. Expansion of Civilian Social Services to remove Some of the burden from Police and to increase the scope of the safety net Services for vulnerable communities in Brookline
4. Additional data collection and analysis resources in Police Department

Police Commissioners Advisory Committee (PCAC)

The first one is a Police Commissioner Advisory Committee, which is a proposal of the reforms Committee, which would be to set up a standing committee of the Select Board that would basically strengthen the Select Board's ability to act as so called police Commissioners, which is to say, providing effective civilian oversight of the police department. Other things that this committee would do is assisting with monitoring and recommending changes to the policies and procedures on an ongoing basis as things change and the need to change policies and procedures will also change, and this is something that they can be done now. The committee would also make it easier for complainants to file with the police department, the Diversity Office, the Select Board or the PCAC any complaints. We get very few complaints, probably an average of five or six a year. Since most of our complaints have to do is rudeness or discourtesy, there may be hesitancy to go to the trouble of filing those complaints. So this committee would, to some degree, mitigate that problem and monitor some of the comments that are coming in from the public that may indicate people's dissatisfaction.

Board member Fernandez added this is one of the areas where we might be able to reach some more common ground and start to improve on. With that said, there are two things that I'm thinking about right now. One is I think we've got something good. Here, however, I would like to have an opportunity to hear from more members of the community on this. The other piece is to hear feedback from folks that are chairing oversight boards in other communities. What I don't want to do is make the same mistakes that some other oversight boards have made which is creating something that we think sounds good, but then in practice may not actually accomplish what we want to accomplish here. The other thought is that the PCAC is not all about civilian complaints. Civilian complaints really are important because we don't know how many folks might not offer us feedback because they don't believe in the process itself. With that I would like to offer an amendment that would move the Internal Affairs Officer or the investigation itself against officers from the Police Department to the Human Resources department. This is a very small department where many folks know each other very well in cases for a very long amount of time and obviously this is not about the integrity of anyone who's doing investigations, but you take good people and you put them in a bad system, you get bad outcomes. And so this really is about that system and giving people faith that they know that they're going to get a fair shake.

Chair Greene responded to the first issue of seeking input from other communities, he feels that is incorporated within the charge. Regarding moving the IAO out of police department, I don't think we have a bad system I feel if it's not broke, don't fix it. There are reasons for keeping the IAO temporarily, at least for foreseeable future, things of course you can always change. Also, is it really cost effective for the few number of complaints we have to move it to the HR office. Also the committee was warned that separating that function could have some negative consequences.

Hanna Resources Director Anne Braga responded should this positon it be moved into HR we would have an additional investigator added to the department. We would look to have a specialist that does police investigation work and would work with the police department. The person would also be responsible to work on training and development for police officers and employees as well as the town as a whole. So there would be a way to really have the connection between individual behavior and looking to make sure that the training and development across the organization is reflecting the values of the town, as well as the laws and compliance requirements that might be needed. Either option would need to be negotiated, but there is a way to do this and have it in a different place, but not creating a separate department.

Board member VanScoyoc asked is there an implicit assumption that we cannot trust the police department to investigate itself because if that's the implicit assumption from which we're operating, then you know we we've got a problem that needs dealing with right away. Also, under a system that includes the Police Commissioner's Advisory Committee isn't the idea behind that committee that if a person brings a complaint and it's investigated within the police department and the person is the complainant is unsatisfied with the results of the investigation, the complainant can then address that problem to the PCAC which can then work with the Select Board to determine if the investigation within the department was insufficient. And to me, that is a level of protection that allows for us to at least start from a position of putting the police department on notice that we're watching while you come up with your investigation and the result of your investigation will be scrutinized by other people, but it isn't a position that starts from since we can't trust you to do your own investigation. We're setting up a different way of doing the investigations that is through an outside department.

Board member Fernandez said you have to establish trust through policy. This proposal allows either the Diversity Committee or a liaison or a member of the committee to sit in on the interview with the

complainant, but not with the officer, and I think that is a significant deficit. We want to know that the right questions are being asked, this is one area where the PCAC will not have eyes.

Chair Greene added that he feels we can't start from distressed, if we have no basis for that distressed.

Town Administrator Kleckner added that he is comfortable with an appointed advisory board that is somewhat an independent party to guide the select board and bring things to their attention. I think this is fine. And I think it's a good recommendation, and any investigation in the police department should take place somewhere else. But, if we take it away from the police, you really are sending the message that they're not accountable for themselves. And I really believe we should have some level of an internal investigative capacity. I do agree that there are times when things should go independent; it should be investigated independently, whether that's to a resource in the human resources department or through a separate hearing officer or investigative officer, and we had done that before.

Vice Chair Hamilton, said I can definitely understand where both of you are coming from. I think there's a way for you both to be talking about things that you've both seen and you feel are real. But I don't know whether or not I'm completely on board with shifting us from the way were doing it now to a completely different way. I think that there might be a middle path that may get us to the end result that I think Board member Fernandez wants to see. She would like to see this advisory board to be appointed and at some point if they feel like the investigations are not being conducted in a positive way or they keep hearing form people on the process, they can raise these serious concerns to us.

Board member Fernandez's concern is how the PCAC would be able to determine if the investigation was a good or bad one. A written in the current charge it is impossible for them to determine that.

Board member Heller said she would like to think that we could do it without moving into another department. I think that, given the other layers that we're imposing here, I agree with Heather, that is probably the wiser course at this point. I also think that people that know that line of work will know what questions needed to be asked and perhaps were not. I think having that person as a Deputy Chief is a good idea. We can do a better job and he PCAC can help us with that. It makes sense to see how it goes and let the process play out a bit.

Board member VanScoyoc read some language: The liaison may assist the complainant to the extent the ladder permits throughout the life of the complaint, including from intake to any appeal and attend the complainants and all witness interviews. And then it goes on and defines several other roles of the liaison. But doesn't that phrase attend the complainants and all witness interviews indicated that in fact the liaison will be able to attend the interviews.

Board member Fernandez responded it is the interview with the police officer; the liaison would not be able to attend that meeting.

Board member Fernandez added as we appoint the members of the committee, to instruct them that within a certain timeframe, whether that's that six months or a year, we'd like recommendations on any changes to the charge they'll have started the work doing, meeting with the police department, maybe a complaint would have been filed. Maybe not at that point. But to include a request for them to bring us any changes, they'd like to make to the charge relatively quickly if they can, if they can't maybe six months later, or a little further out.

The Chair is comfortable with that. He added that assuming we don't take the investigation out of the police department to at least get that person who is now Lieutenant Campbell out of the civil service ranks.

POLICE COMMISSIONERS ADVISORY COMMITTEE

Upon motion by Board member Fernandez it was,

1. Voted to move the investigation of complaints against police officers from the Police Department to the Human Resources department.

Aye: Heather Hamilton, Raul Fernandez
Against: Bernard Greene, Nancy Heller, John VanScoyoc
Motion fails

2. Voted on the submitted charge for the Police Commissioner Advisory Committee (amendment to item 6 ii).

The Liaison may assist the complainant to the extent the latter permits throughout the life of the complaint, including from intake to any appeal, as stated in the Civilian Complaint Policy. As a general rule, the Liaison shall be present at interviews, ***including with the officers involved,*** *though not ask questions.*

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

CONSULTING PROCUREMENT FOR CAHOOTS PROGRAM

Chair Greene reviewed that there is agreement to look at something like the Cahoots program to see if it can be useful in Brookline. This program started out in Eugene Oregon to address the huge homeless issue there. Brookline has a homeless population of about 11 and this type of program could assist with mental health issues. We agree that this is a good opportunity to have them present their program, and the process for doing that is putting together procurement. Apparently, it does not need to be a full RFP, because the cost that's anticipated.

Board member Fernandez added that the Cahoots program offers a wide range of services, and although we have a much smaller homeless population, the impact would be much wider for any number of services to vulnerable people, and could help with other programs. We can figure out where the Cahoots model can work here.

Town Administrator Kleckner noted that there were strong recommendations for this, we will find out if the program is transferable or can be amended. We may have to consult with someone else to end up with a crisis intervention system, and he is supportive of this. However the process goes, it will be very transparent.

Chair Greene explained that he consulted with resident Elizabeth Childs, former Commissioner for Mental Health here in the Commonwealth to just put together a document that laid out what our current crisis system is here in in Massachusetts and to identify where she thinks are gaps.

Board member VanScoyoc noted that Cahoots has been asked by many municipalities on the Cahoots works and how they might develop their own similar program; is that what we are asking for here?

Board member Fernandez replied that Cahoots has built out a consulting model, not just try to place them into a community, but to offer what might work in Brookline. Then ultimately it's up to us and this board, especially to decide, how we move forward and what elements of that we bring into Brookline.

On motion it was,

Voted: That the Select Board prepare a procurement for consulting services by Cahoots and, if it is deemed appropriate and useful, with another entity. The procurement shall include a scope of services that consists of a review of existing crisis intervention services in Brookline and recommendations for filling any gaps in programming or services or alternative ways to deliver the services, including a Cahoots type model. The scope of services would also include any recommendations for how any new programs would fit into the funding and licensing structure of the Commonwealth.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

EXPANSION OF CIVILIAN SOCIAL SERVICES TO REMOVE SOME OF THE BURDEN FROM POLICE AND TO INCREASE THE SCOPE OF THE SAFETY NET SERVICES FOR VULNERABLE COMMUNITIES IN BROOKLINE

Chair Greene reviewed that what we agreed to between the two groups is that there's a need for an expansion of civilian social services or remove some of the burden from policing in providing such services where it's appropriate, and where it's safe to do so. We agree that if a police officer is not needed to go deal with a, let's say mental health issue then the police officer shouldn't go out there. But, how do you determine that a crisis situation is not going to turn problematic, that is the issue here.

The reform committee acknowledges that need to increase the resources available to do crisis intervention, maybe a police officer in the background, or in a de-escalation position. Once things cool down a social worker would step in. There is also a need to increase the scope of the safety net services available to the vulnerable population in Brookline. So our proposals here are around social services, and not focusing on crisis services or anything like that.

Board member Fernandez reviewed the Task Force's proposal. The first part, I think the Chair's comments were related to the thing we just voted on. Our proposal, the task force has been focusing on especially youth and family services immigrant refugee services expansion essentially of the town's engagement with social service supports and enhancing those supports in Brookline. We propose to move forward with the Brookline Forward proposal. We understand that in this budget right now, we're not going to be able to fully build out a new department. Even if we did have the money it might still be wise to figure out exactly what it is that we need, we know that there are needs, but to figure out where those are and how we are going to create x number of positions. Our proposal is actually to hire a cabinet level administrator to lead a community engaged study of Brookline social service needs and to present a staffing plan to meet those means; another way to go, would be to hire a consultant. I'm certainly recommending against that in this regard. He offered hiring that person that would lead that effort.

Board member VanScoyoc asked why not let our department heads make these recommendations on what they feel needs to be added to their departments. These are the talented people that understand the needs

of our community, so why hire someone from the outside take on this task.

Voce Chair Hamilton added she likes to concept not the cost. If we were a city and we did not have town meeting and we had more commercial tax revenue, I think this would probably be an appropriate response. The problem is, like we've seen with the sustainability coordinator We put somebody in place, we try to empower them and what ends up happening is after town meeting we have warrant articles that now require a lot of town resources and budget dollars. So, we don't we just don't have the luxury of adding more money into the budget. For everything we add we have to know where the budget is being cut. I am not sure where the cuts are coming from.

Board member Fernandez responded that the task Force does have a pan to fund this, which is the sun setting of the walk and talk program and the school resource officer program.

Chair Greene responded that the reform committee feels that we have the ability to do this right now. It's just a question of transferring some resources to the health and human services department. This can be seen as adding more full time workers or utilizing one person instead of two.

Town Administrator does not feel that either chart is the organization chart that would work. Changes, I think takes some time and requires experts who've done it before, or who have created a model in other communities, even in Massachusetts, whether that's a consultant or this department head.

There was no vote: Mel Bernard and Raul will meet to review and draft recommendations to work off of.

ADDITIONAL DATA COLLECTION AND ANALYSIS RESOURCES IN POLICE DEPARTMENT

Chair Greene reviewed the agreed upon need for additional data services on the police department to ensure that the data is collected, and then a formed into a way that can be used for internal policing purposes, but also in a form that can be used by outside bodies, including the police commissioner advisory committee which we have agreed to establish. Chair greened reviewed the ticketing process that gets submitted into the RMV. We don’t have an answer a new process but we do agree there is a need to update and expand the process.

Board member Fernandez reviewed that the task force is interested in the department using data to identify areas for improvement and with regard to racial bias or anything else. The current process we find there were certain pieces of data that were only kept for a short amount of time and then disappeared. Data that's kept within the PPD but maybe in the larger system that that they operate in and addressing those issues and making sure that data exists. the other issue we identified was we didn't feel like data was really being used on a regular basis to show rank and file officers, to determine what they see as happening. For instance the data related to speeding stops where there were racial disparities and the data was not being used. Unless it's absolutely necessary, and there's no other way around it, don’t see myself supporting adding an additional staff member to do this. I think there's an opportunity, especially with the vacancies that exist, especially in leadership to hire someone who has the expertise to do data analysis to do this, to re-task a position.

On motion it was,

Moved that the BPD identify the resources necessary to provide the needed data resources either

from additional staff or from re-purposing current staff and the funding necessary to implement such improvements to satisfy the data needs identified by the Committee and the Task Force ***and present their plan to the PCAC with a request that the PCAC will present to the Board.***

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Non-common ground proposal of Policing Reforms Committee re: Scholl Resource Officers and Walk and Talk unit -1

Chair Greene reviewed that the Board will defer to June 15, 2021 any vote on the SRO and the walk and talk program so that we can obtain from the School Committee and the Housing Authority their input and specific information form the appropriate stake holders.

Board member Fernandez noted that his task force heard this at their Friday Task Force meeting. There were some concerns about that date. It is after the election, and that it allows board members to avoid taking controversial positions before the election. I am literally just stating that for the record.

On motion it was,
To defer the board's vote to June 15, 2021, and to solicit response for the School committee and the Housing Authority.

That upon a positive vote on this recommendation, the Select Board Chair shall write to the School Committee and the Commissioners of the Brookline Housing Authority requesting that they consult with the appropriate stakeholders and send the Select Board the results of those consultations and any proposals they may have for consideration by the Select Board in their role as police commissioners.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

WARRANT ARTICLE PUBLIC HEARINGS

Warrant Article 4 - Close Out
Warrant Article 18 - Preservation
Warrant Article 23 - Amend Zoning Bylaw 4.08
Warrant Article 24 - Creation of Sustainability Division
Warrant Article 33 - Public Notification of Emergency Funds
Warrant Article 35 - Resolution to Encourage Voting
Warrant Article 38 - Fisher Hill Affordable Housing
Warrant Article 39 - Babcock Street Parking Lot

Warrant Article 4 - Close Out

Deputy Town Administer Melissa Goff reviewed that article 4 is the status of all special appropriations; capital accounts, revenue and bonds. She recommends a no action vote.

Public hearing: no speakers, hearing closed

On motion it was,

Voted 5-0 No Action on Article 4.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Warrant Article 18 –Lawrence LHD (Preservation)

Elton Elprin, Chair of the Preservation Commission gave a presentation of the area to extend boundaries of the Lawrence Local Historic District (LHD). The process began in August of last year when the Preservation Commission received an application to demolish the structures at 116 Colchester and 295 Kent streets. The neighbors organized themselves to request that the Preservation Commission submit this warrant article that would add seven properties to the Lawrence local Historic District, including 116 Colchester and 295 Kent streets.

In December 2020 the Preservation Commission accepted the petition by the neighborhood to act as the study committee for the proposal and submit a warrant article. Mr. Elprin provided the history of the area, and photos of the properties involved. There is currently over 93%in support within the boundaries extension including the owners of the two properties at Colchester and Kent.

Chair Greene noted the proximity to the D line public transit which is a corridor where we can consider taking advantage of for multi-family, dense development.

Claire Bean a neighborhood representative reviewed that after the application for the demolition permit the neighborhood had our eyes opened about what some of the risks were to a neighborhood that we value very much from an architectural and historic perspective. So we organized we educated ourselves. We surveyed all 15 owners to find out what level of support there was. Once everybody understood what an LHD was, we received a high number of support. I just want to say that we understand very well that development over time is inevitable. And the reason this is so appealing to us is that the Preservation Commission would oversee any changes going forward to ensure that they're thoughtful and respectful of our streetscape and of the historic structures.

Public Hearing:
Sean Lynn-Jones spoke in support of the article as well as virtually all of precinct 1 town meeting members. This is an area that meets the basic criteria for being an LHD, or in this case for being added to an existing LHD. There's strong historical and architectural significance and an extraordinarily high proportion of the property owners in the area that support the addition of the area to the existing Lawrence LHD. As pointed out this is an extraordinarily beautiful streetscape. This is not only a set of architecturally significant buildings; it is a heavily traveled street for walkers, cyclists and drivers. And people enjoy this public streetscape which is really one of the things that gives supplying this character.

Dennis DeWitt spoke in favor of the article. Obviously the support was overwhelming and what struck me was the neighbors who went into this went into it really understanding that a they are living in condo buildings, one has five units one's got six units; they understood that is what's undoubtedly in the cards for these other two buildings and they fully accept and appreciate that. Part of the Lawrence Historic District is part of the Longwood National Register District and that continues under this extension.
I would also urge the town to think about having a Comprehensive Plan Review, which I think we're overdue for and that is the context in which people's concerns about housing really should be addressed.

Vice Chair Hamilton added her concern is the ability to incentivize denser development. This area is specifically wedged between the C and D T lines, and is prime real estate for infill. I get that's it is charming, but there is one building in particular that I don't think is worth preserving.

Board member Fernandez added in this case we have folks that purchased the property willing to go along with an LHD. He feels we need to determine what we feel should be preserved in the community as a whole instead of this reactionary approach. It's for anyone who values historic preservation and for anyone who values the kind of ambiance that invites people to walk through this neighborhood and enjoyed thoroughly this kind of preserved history. It is a benefit to the entire town and requires some sacrifice to those in the district.

Jeff Watcher spoke in opposition of the article. I read the article description justifying this local historic district, but the architectural styles of building, which I'm sure is in architectural history books or things like that, but it became clear that nothing particularly historic actually took place here other than the fact that wealthy families residing there. Some neighbors don't want anything to change on the street and found the blunt tool of local historic districts as an opportunity to ensure this.

Amanda Zimmerman spoke against the article. She said, I am glad that the proponents are now saying that this won't preclude multifamily development. But that's not what the report or the warrant article implies. I've been reading through the study report on expanding the local historic district, and I'm struck by the fact that it explicitly lists development pressures and the potential demolition of existing single family houses and replacing with multifamily dwellings as the reason to extend them local historical district. Why are we so opposed to multifamily units? This is a perfect location to add to capacity and exactly the type of location for multi-family units. I would like it to see it reconsidered in that light.

Lisa Shatz agreed that these homes are not historic and we are suffering from a housing shortage. The neighborhood is beautiful, and I believe that these homes should be converted to multi-unit with additional units behind them when possible based on a formula decided by the planning office. I would only support this article if conversion were part of it.

Caitlin Rollins a neighbor said it is hard to hear from those speaking in opposition. There's an indication that we're somehow trying to block multifamily housing. I'm sitting here in my apartment which is a three bedroom apartment with my two kids and my husband. We are perfectly happy to identify that there are seven families that live in our building which is directly next door. What we want is for there to be thought in what is done once these buildings are destroyed by this developer who lives in China, we have no control. And I don't know if any of the people who put all their research into this looked at what he's constructed in other places, huge metal 10 story buildings. We know zoning could happen changes down the road, but right now, the goal is to try to preserve the buildings that exists there for further discussion about how they would be used in zoning,. There is no going back after construction.

Hearing closed. No vote.

Board member Heller added there is an environment cost to tearing down a building and taking away green space.

Board member Fernandez would like to have clarification on what can be built and not built there, before any votes.

Warrant Article 23 - Amend Zoning Bylaw 4.08

Petitioner Roger Blood Chair of the Housing Advisory Board (HAB) reviewed the article that focuses on three areas.

1. To modify the Town's Bylaw definition of "Affordable Unit" so that it aligns with the State's Local Initiative Program (LIP) affordable housing regulations. These regulations determine eligibility for inclusion on the state's Chapter 40B Subsidized Housing Inventory (SHI). This technical change aligns the Town's by-law to the state's method of determining eligible household size for specific unit sizes and setting monthly rents such that they do not exceed 30% of the target household's monthly income.

The first existing provision that needs attention is a technical one whereby the town's definition of an affordable housing unit under our exclusionary zoning bylaw Is not properly aligned with the state's definition for an affordable housing unit in order to get these exclusionary zoning units onto the state's SHI, the 40b be subsidized housing inventory.

2. *To differentiate between rental and owner-occupied affordable housing in terms of the range of qualifying household incomes that are served. Under the present Bylaw, there is no such differentiation between household incomes that are served by rental versus owner-occupied affordable units. Under the proposed by-law, affordable rental units will serve households whose range of eligible incomes will be lower than the range of targeted incomes for affordable ownership units.*

In the current bylaw which has specific income targeting provisions, there's a there's kind of a sleeper clause which says that those provisions that actually expire at the point where the town reaches its magic 10% affordable housing goal under Chapter 40b. This will replace the current income targets.
The current bylaws treats rental and housing owners for their income qualifiers exactly in the same manner in the affordable housing world, it's widely felt and understood that rental affordable housing most appropriately targets are somewhat lower range of income than owner occupied affordable housing. And so for the first time ever in this by law, we will now have lower range of income targeted for rental housing then then owner, which will be somewhat higher although they will continue to overlap.

3. *To authorize the targeting of required affordable units, both rental and owner-occupied, to low-and moderate-income households whose incomes fall within different affordability ranges, and to do so in such a manner that the compliance costs to the developer are generally equivalent irrespective of which income range of affordability is targeted. When a developer produces affordable units that serve households having higher than the minimum range of targeted incomes, the developer will be*

required to pay a supplemental fee into the Town's Housing Trust The first one is technical; whereby the town's definition of an affordable housing unit under our exclusionary zoning bylaw is not properly aligned with the state's definition for an affordable housing.

The third and last feature of this article, there's a lot of sort of complexity going on below the surface. In both the cases of rental and owner housing, there is the opportunity for the developer to come forward, within the allowable ranges that I just described and target certain segments of the lowest possible segment or a segment that's slightly above the lowest segment. And we want to allow that opportunity for a range of affordable housing to be targeted in both owner and rental those respective areas. So the last feature that this article will authorize is if the developer who wants to target a range of income that is somewhat higher than the very lowest, they'll get a higher rent level for doing that. And hat is not going to come free, there will be a feature of this article where they are allowed to do that but they will have to pay an offsetting payment a single payment into the Affordable Housing Trust for the to offset the fact that I'm serving somewhat higher incomes and the affordable range.

This article was supported unanimously by the HAB.

Board member Heller asked if HAB considered proposing an inclusionary zoning bylaw to have a requirement of 20% affordable units as a way to get more affordable housing. Her concern is that we want to also have some affordable units that are a little higher on the income scale and go and sort of moderate units.

Mr. Blood responded that they looked at that as part of our assignment presented by our consultant to do a sensitivity analysis of 1% increments. We did not feel that was a good option given the small number of units.

Public hearing:

Deborah Brown: could low income people be disproportionately impacted by the changes have you analyze data for adverse impacts on truly low income residents.
Mr. Blood: Yes, we did, in fact, because the baseline, which never had anything in the bylaw at the 50%. AMI level which is considerably below, and where the bylaw has always had the lowest number that you'd find in it. We have actually created a rental housing benchmark reaching lower on the income scaled and then we had before.

Board member Fernandez: Is it possible that someone would decide to take the out option and goes up on the scale and just pays the town because that's just a better deal for them and we end up eliminating the production of truly affordable permanently affordable housing.
Mr. Blood: we think it's unlikely. The way the program would be structured and there would be if there was any indication that was the way it was unfolding which we are attempting to design it, so that would not do that from the outset. We could adjust that within HAB and the Planning Board.

Regina Frawley: spoke a on a wealthy developer that sought permission to rent two affordable units at the corner of Hammond and Florence Streets at market rate because he had no qualified candidates to buy them as affordable. She believes these units are still at market rate. She asked about checks and balances. Mr. Blood said he will look into that, they do monitor these units.

Hearing closed. No vote

Warrant Article 24 - Creation of Sustainability Division.

Deputy Town Administrator Melissa Goff reviewed that this division was created in the budget and now putting before town meeting.

Public hearing: no speakers hearing closed

Chair Greene noted the select Board is the petition so they support it.

On motion it was,

Voted 5-0 Favorable Action on Article 24 as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Article 33 emergency funds

Petitioner Naomi Sweitzer reviewed the article. She began by thanking town staff during this Covid19 crisis. Ms. Sweitzer works with federal funding related to homelessness.

As Town Meeting members following our budget process, as Petitioners of this warrant, we have noticed over the last couple of years more interest in public participation in our budget process through the BFAC process and discussions among Town Meeting members and residents wanting to have a better understanding of how our town money and budget works and where it's going and how to be involved in the budgeting process. This warrant article aims to help the public understand the emergency funding the town receives for large scale emergency events.

Co-petitioner Danny Stone provided a PowerPoint presentation.
Goals of WA 33:

- To provide information about large scale emergency, disaster, and stimulus funds received by the town from the Federal, State, or County governments that is outside of the normal budget process.
- To provide the public a chance to comment on these large-scale Emergency, Disaster and Stimulus funds received by the town.
- Provides a structure for the public, Select Board, School Committee, Advisory Committee and Town Meeting to receive information about these funds that are received by the town and it provides for one public hearing to allow the public an opportunity to comment on the funds
- Would apple to only large-scale events such as the Global Financial Crisis of 2008, and currently, Covid 19 pandemic.
- Not covered: emergency disaster stimulus funds less than $500,000 that is provided to the town. Funds for one time emergency winter weather events, annual Community Development Block Grants, CDBG other annual Federal, State money's made available to the town outside of emergencies or disasters and any funds provided to the public schools in Brookline.
    - Information on the founds
    - Posting and notification
    - Reporting on how the funds are used

Chair Greene asked what is the problem you are trying to solve here.
Ms. Sweitzer responded it is intended to provide the public and town bodies to have information and insight to what the town is receiving the rules surrounding the funding sources and how the town is spending it.

Deputy Town Administrator Melissa Goff responded that they have been working with Naomi, unfortunately she filed this article without talking to staff beforehand, so she's learned a great deal about the way that we currently manage grants. The School Department, it's easy enough for them to just capture that in one spot. A lot of the times we have different departments responding to different emergencies. Our preference would be that this would be a resolution. We have worked with the Advisory Committee on a different version of the article; we would be supportive of the Advisory Committee subcommittee's version at this point. With the federal funds, especially where there's so much interest, transparency is the only way we're going to be able to determine the prioritization for spending of these funds. We are working with OpenGov software to expand in order to provide a lot of the information that is already In the Warren article.

Public hearing: No speakers

Ms. Sweitzer added that there is a difference between the petitioner and the AC recommendations are around reporting.

Board member Fernandez added that there most likely be a public hearing held by the Select Board on any of these funds anyway. I appreciate the public wanting to have a little more insight on how the funds would be used.

Ms. Goff added that with the carving out the emergency response for weather related events, CDBG, the 5000k threshold, this likely wouldn't get triggered very often. Is there a need for a bylaw or is a resolution sufficient.

Board member Heller would like to review what the Advisory Committee has to say, we are constantly talking about this during our meeting. If it is just posting more information on the website, she is ok with that.

Board member VanScoyoc feels this is kind of micromanaging. We've had many discussions on how to spend funding and allocations. We really can't afford the added expense and the extra workload. Because once you put it in a bylaw, it can't just be ignored, and people will have to figure out how to comply with it. All of a sudden, in the absence of any evidence that we're not getting information we need, we are going to make it a bylaw that's going to force the staff to go through all kinds of contortions to solve a problem that doesn't exist. I agree with Raul on the sunlight, we need that, but not every ray of sunlight requires a bylaw.

Danny Stone responded that Melissa informed them the estimate staff cost would be $7,800. It would not be an annual cost, obviously, because of the nature of This Bylaw is for only large scale emergencies that we would hope to be sporadic and rare.

Ms. Goff added that we don't know in the future who will be responsible for the reporting; Justin is very savvy, this is where the current estimate came from.

Board member Fernandez added encouraging people to write a resolution instead of a warren article so that we can ignore it essentially is not really a good recommendation. I think the fact that it takes a lot to trigger this feature, not a bug. I think that it means that it doesn't have to happen all the time and in the rare occurrences. I think it'd be great for the town to have a website that says, we got $34 million through his plan, here's how we spent it.

Ms. Goff added that the suggestion of resolution is really to give staff, the flexibility to figure out how to implement essentially what the thrust of the article is and with the bylaw we're kind of pigeon holed into this process where there might be a better way around it. OpenGov might provide us with automated reports so we don't have to worry about a 30 day requirement if we can do it that way.

Chair Greene added there may be situations where the select board wants to add to the reporting requirements without having to go through a warrant article. I can think of a few situations where maybe we do want to have in place a structure of this, but not being locked into specific requirements.

Deborah Brown: There is a problem. It is not that easy to get this information. In fact I would argue that it doesn't go far enough and that it should have language in there about a participatory budgeting requirement.

Hearing closed. No vote.

Warrant Article 35 - Resolution to Encourage Voting

Co-petitioner Kate Silbaugh reviewed the article. This is a resolution to increase voting in Brookline. Brookline had over 70% voter participation in the fall presidential and that's from registered voters, yet we were 276 in the state. So that's where that put us relative to the rest of the state. This indicates that we actually have a genuine problem and that reflects registered voters relative to the rest of the state and participation. We are not at the lowest all of the time, but we are not at the top for registered voters. The heart of this whereas clause is that the town is committed to making it easier for eligible residents to vote by considering all novel means to increasing access.

Voter registration materials:

- put them in police station schools, public housing libraries and fire stations, public buildings where people go
- mailed out in the annual town census
- absentee ballot applications in the same public buildings
- Stamped and then people could ask for them
- the town's going to ensure that there's a lot of multilingual materials of voter registration sites including online and a polling stations.
- the town to resolve that we will send nonpartisan robo calls and use social media to voters to cast ballots on election day
- that we will conduct a geospatial voter registration voting patterns study to find areas where voter registration and voter turnout is low and groups are under represented
- produce a set of recommendations to increase voter participation.

Anthony Ishak reviewed that the Brookline Housing Authority indicated that last year they had a shortage of registration cards, and they support this resolution. Town Clerk’s office indicated it would be very easy to

get these materials out to the different sites. Having stamped envelopes that are metered stamped can also help. The town wouldn't incur costs of less the envelope is used. Having the material and schools, we felt would also help with those demographics become more engaged. The reason we asked about having multiple language material out there is because approximately 30% of our population is foreign born. In terms of doing a study, there are options to do this; it would be a negligible cost when you consider that our yearly budget to send out our Warrant articles approaches $200,000. This one time study would be approximate 1-2% and that's only if the town clerk or the IT department feels that they don't have the bandwidth or their employees can't support this.

Board member VanScoyoc noted that out of our 16 precincts, precincts 2 and 4 have the lowest turnout. Should the town spend more money on voter outreach in precincts, two and four than it spends in the remaining precincts? You would think that would makes sense, but could you spend more money to encourage voting on some people then you spend on other people?

Ms. Silbaugh added that we know precinct 2 has more renters that could be a factor. If we make it our goal as town meeting to resolve to try to increase the voting so Brookline's not towards the bottom of the state, but somewhere in the middle, or maybe even towards the top of the state, then we're going to need to figure out where people aren't registering in our voting.

Public hearing:

Regina Frawley: I heard the emphasis on renters. Do you have any data and statistics on homeowners because we've had a tremendous turnover and people who have moved here that I know of, know nothing about the town. There is a clear need for homeowner to become acquainted with municipal elections here.
Ms. Silbaugh we don't have Brookline specific date. We hope the study would help with that. We know that renters vote at much lower rates.
Mr. Ishak added some communities are considering having a requirement for landlords put in voter registration forms when new tenants are signing their leases, in order to register them. We felt that the town census idea that that was actually a better idea.

Vice Chair Hamilton added these are very interesting ideas. We may be able to get renters to register to vote, but how do we get them to actually vote. There are a lot of different things involved in getting someone to be a frequent voter. Usually if their family votes they are more likely to vote. I wish there was more emphasis on getting to people who don't vote and trying to persuade them to.
Ms. Silbaugh feels that the study will help with this as a first step.

Board member Fernandez feels this is a good start. He hopes that the next Town Clerk will be an activist to encourage voter participation.

Hearing closed. No vote

<u>Warrant Article 38 - Fisher Hill Affordable Housing</u>
<u>Warrant Article 39 - Babcock Street Parking Lot</u>

Petitioner Deborah Brown asked if these articles can be postponed due to the late hour.

Vice Chair Hamilton added as Chair of the Kent Street affordable housing study committee and now I have a better appreciation for what I think you're proposing and the roadblocks that we didn't realize we set up

for ourselves in that situation. So I will be very interested to hear from your perspective, how we don't repeat that process and outcome.

The Board agreed to postpone article 38 and 39.

WARRANT ARTICLES

Further review and possible vote on the following Warrant Articles for the 2021 Annual Town Meeting:

Warrant Article 28 - Marijuana Racial Equity Expenditures

Warrant Article 29 - General Bylaw Outdoor Dining

Warrant Article 30 - Zoning Bylaw Outdoor Dining

Warrant Article 31 - Speed Regulations

Warrant Article 28 - Marijuana Racial Equity Expenditures

Ms. Goff: Article 28 the Board reviewed this last week and Board member Fernandez being absent the board wanted to hold their vote, knowing that you'd be supportive and wanted to be on the record supporting this article.

On motion it was,
Voted 5-0 favorable Action on Article 28 as submitted

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

Warrant Article 29 - General Bylaw Outdoor Dining
Warrant Article 30 - Zoning Bylaw Outdoor Dining

Ms. Goff: Articles 29 and 30, last week, you had a presentation from the Planning Department staff on the minor amendments proposed by the Advisory Committee subcommittee. So, at that time, the full Committee has taken this up and has also been supportive of those amendments.

On motion it was,

Voted 5-0 favorable action on Article 29 as revised.

ARTICLE 29

To see if the Town will amend the General By-laws, Section 8.10.8 - Use of Sidewalks and Outdoor Premises, of Article 8.10 – Food Vendors License, as follows (additions are underlined and deletions appear in stricken text):

ARTICLE 8.10 FOOD VENDOR LICENSES

SECTION 8.10.8 USE OF SIDEWALKS AND OUTDOOR PREMISES

The Select Board may, upon written application by a licensed Food Vendor, after proper notice and hearing, grant, upon such terms and conditions as they it determines to be necessary and desirable, that a Licensed Food Vendor the right to use the an adjacent outdoor portion area as part of the licensed premises to accommodate outside seating for patrons. Such duly licensed outside seating areas may include and/or a portion of a town street or sidewalk area and/or a third party's property with acceptable proof of third-party consent. that is contiguous to the licensed premises for outside seating for Patrons. Prior to such a grant, the Select Board shall seek advisory reports from the Planning Board Planning & Community Development Department, Building Commissioner, Police Department, Fire Department, Health Department, and Commissioner of Public Works, as the Select Board or its designee may determine. No such grant shall be for more than six months in any license year. No such grant shall extend beyond the term of the license. Any right granted hereunder shall be subject to revocation if the exercise of the grant interferes with public safety and convenience.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

On motion it was,

Voted 5-0 favorable action on Article 30 as revised.

ARTICLE 30

That the Town will amend the Brookline Zoning By-Laws, §4.04 Limitation of Area of Accessory Uses, §4.07 Table of Use Regulations of Article IV Use Regulations, and §6.02 Off-Street Parking Space Regulations of Article VI Vehicular Service Uses Requirements, as follows (proposed deletions appear in stricken text):

ARTICLE IV USE REGULATIONS

§4.04 – LIMITATION OF AREA OF ACCESSORY USES

1. No accessory use or uses within a building shall occupy more than a combined total of 25 per cent of the floor area of the principal building, other than required off- street parking.

2. No accessory use or uses not within a building shall occupy more than a combined total of 25 per cent of the unbuilt lot area, or of the required rear yard area, other than required off-street parking or outdoor seating for a licensed Food Vendor as defined in Article 8.10 of the Town's General By-Laws.

3. No accessory use shall occupy part of the required front or side yards, except off- street parking as required in M-l.0, M-l.5, M-2.0, and M-2.5 Districts and in business and industrial districts, and as provided in §§ 5.44, 5.53, 5.63, and 5.72.

§4.07 – TABLE OF USE REGULATIONS 38C. Open-air use, other than commercial recreation facilities, seasonal outdoor seating for a licensed Food Vendor as defined in Article 8.10 of the Town's General By-Laws that does not exceed six months in each calendar year, and Uses 22 to 28. inclusive, Use 38C shall include including but not be limited to the sale of flowers, garden supplies, or agricultural produce.

ARTICLE VI VEHICULAR SERVICE USES REQUIREMENTS

§6.02 – OFF-STREET PARKING SPACE REGULATIONS

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

a. Where Places of Public Assembly are provided with benches rather than fixed individual seats, each 1.5 linear feet of bench shall equal one seat.

b. Where no fixed seats are used, each 20 square feet of public floor area shall equal one seat.

c. Places of worship need not provide the requirements specified in this section.

d. Bowling alleys shall provide two parking spaces for each alley.

e. For recreational or social uses primarily designed for neighborhood or Town-wide activities and owned or operated by an agency of the Town, the Board of Appeals may by special permit modify the requirements of this section.

f. For any place of public assembly that obtains a license for seasonal outdoor seating subject to §8.10.8 of the Town's General Bylaw, the additional seasonal outdoor space shall be exempt from parking requirements.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

<u>Warrant Article 31 - Speed Regulations</u>

Ms. Goff stated this related to special legislation to address inconsistences in speeding limits and postings.

Board member Fernandez indicated that there was previously a vote to drop the speed limit to 25 mph in residential areas. He noted that having lived on Winchester Street he noticed there were different speed limits along the same stretch of road. We don't want to see a patch work approach.
Except where it where it doesn't make sense to have us have a 25 mile an hour speed limit to make sure that that is the case everywhere.

Transportation Director Todd Kirrane reviewed the past process. This article allows them to remove posted speed limits that are not the statutory speed limits and replace them with accurate limits.

On motion it was,

Voted 5-0 favorable action on Article 31 as submitted.

Aye: Bernard Greene, Nancy Heller, Heather Hamilton, Raul Fernandez, John VanScoyoc

There being no further business, the Chair ended the meeting at 11:35 pm.

ATTEST

TOWN OF BROOKLINE

OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS

11 Pierce Street, Brookline, Massachusetts, 02445
Telephone: (617) 730-2300 Facsimile: (617) 730-2296

April 1, 2021

Memo: Approval of Donations

To: Brookline Select Board
Attn: Bernard Greene-Chair Person of the Brookline Select Board

Chairperson Greene,

The Office of Diversity, Inclusion and Community Relations seeks the Select Board's authorization to accept a $10,000 donation from the Brookline Community Foundation to the Brookline Asian American Family Network to be appropriated into account 5900SH07 (The Asian American Heritage Fund). The donated funds will be used by the Brookline Asian American Family Network towards general operating support at the discretion of the BAAFN Steering Committee.

Thank you for considering this request.

Sincerely,

Caitlin Starr, MPH, CDE
Office of Diversity, Inclusion, and Community Relations - Town of Brookline
Assistant Director
11 Pierce Street
Brookline, MA 02445
617-730-2345

TOWN OF BROOKLINE

OFFICE OF DIVERSITY, INCLUSION AND COMMUNITY RELATIONS

11 Pierce Street, Brookline, Massachusetts, 02445
Telephone: (617) 730-2300 Facsimile: (617) 730-2296

April 1, 2021

Memo: Approval of Donations

To: Brookline Select Board
Attn: Bernard Greene-Chair Person of the Brookline Select Board

Chairperson Greene,

The Office of Diversity, Inclusion and Community Relations seeks the Select Board's authorization to accept six donations to the Brookline Asian American Family Network to be appropriated into account 5900SH07 (The Asian American Heritage Fund). The donated funds will be used by the Brookline Asian American Family Network towards the annual Asian American Essay Contest Awards Ceremony and AAPI Heritage Month Celebration that is being held on Wednesday May 5th.

- Brookline Community Foundation - $250
- John Hodgman - $250
- Robert Guen DMD & Associates LLC - $250
- Pho Viet's 1 LLC - $250
- PKCrossley Inc (Brookline Frames) - $250
- Hsiu-Lan Chang - $250

The total amount being donated is $1,500.

Thank you for considering this request.

Sincerely,

Caitlin Starr, MPH, CDE
Office of Diversity, Inclusion, and Community Relations - Town of Brookline
Assistant Director
617-730-2345

3.B.

TOWN OF BROOKLINE
Massachusetts

DEPARTMENT OF PUBLIC WORKS

March 31, 2021

Erin Chute Gallentine
Commissioner

Select Board
Town Hall
Brookline, MA 02445

Dear Board Members:

Attached for your approval is Extra Work Order Number 1 for work done by Park Landscape Associates, in conjunction with Contract No. PW/20-01, School Grounds Maintenance.

The extra work is for snow emergency response and additional hourly landscape services and is valued at $30,030.00.

We ask for your approval of this work.

Sincerely,

Erin Gallentine
Commissioner of Public Works

333 Washington Street • Brookline, Massachusetts 02445-6863
Telephone: (617)730-2156 Facsimile: (617)713-3727
www.brooklinema.gov

TOWN OF BROOKLINE ENGINEERING DIVISION

EXTRA WORK ORDER Number 1

I, Jeffrey Raia, duly authorized representative of Park Landscape Associates, Inc., Contractor, agree to perform all labor and supply such materials as may be necessary to perform the additional work described below under the contract for School Grounds Maintenance.

I further agree that the amount or amounts paid to Park Landcsape Associates, Inc, Contractor, for performing the work shall be as follows:

Snow emergency response	**$15,030.00**
Additional hourly landscape services	**$15,000.00**

The work is in connection with the contract between Park Landscape Associates, Inc., and the Town of Brookline, Massachusetts, "School Grounds Maintenance," Contract No. PW/20-01, dated June 25, 2019.

Approved:

Park Landscape Associates, Inc.
(Contractor)

4/6/21
Date

Authorized Representative

Approved:

Commissioner of Public Works

Town Administrator

Town Of Brookline

Contract Amendment Approval Form

Department: Public Works/Engineering Division

Contract #: PW/20-01 School Grounds Maintenence

Vendor Name and Address: Park Landscape Associates Inc., 1 Westinghouse Plaza, Suite A402, Hyde Park, MA 02136

Change Order/Extra Work Order #: 1

Purchase Order #: 21100009

Amount of Amendment $ 30,030.00

Purpose of Amendment:

Description: Emergency snow response and additional hourly landscape services.

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
42004230		524058		$15,030.00
42004650		523599		$15,000.00

- For "K" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4909K001 would be "DPW CIP").

Department Head: _____ Date 4/6/21

Comptroller and Purchasing Approvals

Funds Available/Codes Correct _____ Comptroller — 3/31/2021 Date Approved by Comptroller

Complies with Appropriate Procurement Law (MGL ch 149, ch 30 30 30M, or ch 30B) _____ Purchasing — 3/31/21 Date Approved by Purchasing

TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

March 31, 2021

Erin Chute Gallentine
Commissioner

Select Board
Town Hall
Brookline, MA 02445

Dear Board Members:

Attached for your approval is Extra Work Order Number 2 for work by North-Eastern Tree Service, Inc. in conjunction with Contract No. PW/20-03, Upkeep of Trees and Related Work.

The extra work is for additional forestry services is valued at $142,565.00.

We ask for your approval of this work.

Sincerely,

Erin Gallentine
Commissioner of Public Works

333 Washington Street • Brookline, Massachusetts 02445-6863
Telephone: (617)730-2156 Facsimile: (617)713-3727
www.brooklinema.gov

TOWN OF BROOKLINE ENGINEERING DIVISION

EXTRA WORK ORDER Number 2

I, Michael S. Sepe, duly authorized representative of North-Eastern Tree Service, Inc., Contractor, agree to perform all labor and supply such materials as may be necessary to perform additional forestry services under the contract for Upkeep of Trees and Related work.

I further agree that the amount or amounts paid to North-Eastern Tree Service, Inc., Contractor, for performing the above-specified work shall be as follows:

Carlton Street Footbridge Project Support	**$38.750.00**
Tree Removal	**$20,000.00**
Larz Anderson Tree Pruning	**$30,000.00**
Street Tree Pruning	**$30,425.00**
Cemetery Tree Pruning	**$10,000.00**
Snow Emergency Response	**$13,390.00**

The work is in connection with the contract between North-Eastern Tree Service, Inc., and the Town of Brookline, Massachusetts, "Upkeep of Trees and Related Work," Contract No. PW/20-03, dated June 25, 2019.

Approved:

North-Eastern Tree Service, Inc.
(Contractor)

3/31/21
Date

Michael S. Sepe
Authorized Representative

Approved:

Commissioner of Public Works

Town Administrator

TOWN OF BROOKLINE

Massachusetts

DEPARTMENT OF PUBLIC WORKS

April 1, 2021

Erin Chute Gallentine
Commissioner

Select Board
Town Hall
Brookline, MA 02445

Dear Board Members,

Attached for your approval is Extra Work Order No. 12 in the amount of $105,220.88 for D'Allessandro Corporation, Contract No. PW/14-19, "Rental Rates for Snow Plowing and Ice Control". This contract amendment is submitted to cover a current deficit in snow and ice control costs and is anticipated to provide adequate funding to close out expenditures for the remainder of the winter season.

The original contract was approved by the Select Board on November 13, 2013 and extended on September 18, 2018 for a three year term, in the amount of $76,900 annually to cover anticipated costs for the winters of 2018-2019, 2019-2020 and 2020-2021. On December 31, 2020, the Town administrator authorized the invocation of Massachusetts Chapter 44, section 31D thereby allowing the Department to overspend the budget for snow and ice control and continue winter operations.

Your approval of this extra work order is respectfully requested.

Sincerely,

Erin Gallentine
Commissioner of Public Works

Cc: Mel Kleckner, Town Administrator
Kevin Johnson, Director of Highway and Sanitation

333 Washington Street ♦ Brookline, Massachusetts 02445-6863
Telephone: (617)730-2156 Facsimile: (617)713-3727
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TOWN OF BROOKLINE ENGINEERING DIVISION

EXTRA WORK ORDER Number 12

I, Peter J. Piantedosi, duly authorized representative of D'Allessandro Corp., Contractor, agree to perform all labor and supply such materials as may be necessary to perform additional snow plowing and ice control under the contract for Rental Rates for Snow Plowing and Ice Control:

I further agree that the amount or amounts paid to D'Allessandro Corp., Contractor, for performing the above-specified work shall be at the contract unit prices.

Additional snow plowing and ice control $105,220.88

The work is in connection with the contract between D'Allessandro Corp., and the Town of Brookline, Massachusetts, "Rental Rates for Snow Plowing and Ice Control," Contract No. PW/14-19, dated October 29, 2013.

Approved:

4/6/21
Date

D'Allessandro Corp.
(Contractor)

Authorized Representative

Approved:

Commissioner of Public Works

Town Administrator

Town Of Brookline

Contract Amendment Approval Form

Department: Public Works/Engineering Division

Contract #: PW/14-19 Rental Rates for Snow Plowing and Ice Control

Vendor Name and Address: D'Allessandro Corp., 41 Ledin Dr, PO Box 245 Avon, MA 02322-0245

Change Order/Extra Work Order #: 12

Purchase Order #: 21100086

Amount of Amendment $ 105,220.88

Purpose of Amendment:

Description: Additional snow plowing and ice control

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
42004230		523070		$105,220.88

- For "K" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4909K001 would be "DPW CIP").

Department Head: Date 4/6/21

Comptroller and Purchasing Approvals

Funds Available/Codes Correct
Comptroller

Date Approved by Comptroller

Complies with Appropriate Procurement Law
(MGL ch 149, ch 30 30 30M, or ch 30B)
Purchasing

4/6/21
Date Approved by Purchasing

TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

Interoffice Memorandum

To: Select Board
From: Erin Gallentine, Commissioner of Public Works
Date: March 30, 2021
Re: **Brookline Avenue Playground/Lynch Center Paving Improvements PW/20-05**
Cc: Melvin Kleckner, Town Administrator
Melissa Goff, Deputy Town Administrator

On March 18, 2021 proposals for "Lynch Center Paving Improvements", Contract No. PW/20-05, were publicly opened and read. Three bids were received, they are as follows:

Bautista Masonry Corporation	$116,277.00
Edward Paige Corporation	$196,900.00
Mario Susi & Son, Inc.	$288,040.00

The work in this contract consists of paving and drainage improvements and is the last phase of improvements planned as part of the Brookline Avenue Playground Renovation Project. The work will address poor conditions in the parking lot and access improvements into the Lynch Center Building used by the Brookline Early Education Program.

Public Works recommends that this contract be awarded to Bautista Masonry Corporation, of Waltham, MA, in the amount of $116,277.00.

333 Washington Street ◆ Brookline, Massachusetts 02445-6863
Telephone: (617) 730-2156 Facsimile: (617)713-3727
www.brooklinema.gov

Town Of Brookline

Contract Coding Approval Form

Department: Public Works/Engineering Division

Vendor Name: **Bautista Masonry Corporation**

Vendor Number: _____ **Amount of Contract:** **$116,277.00**

Contract #: **PW/20-05 Lynch Center Paving Improvements**

Purpose of Contact:

Description: Paving and drainage improvements.

Coding:

Org #	Org Name *	Acct #	Acct Name	Amount
4916K125		6C0007		$83,747.21
4919K073		6P0044		$4,728.71
4920K073		6P0044		$27,801.08

* For "WS" or "C" accounts, please call it "CIP", preceded by your Dept (e.g., 4998WS08 would be "DPW CIP").

Department Head: [signature] Date 4/6/21

Comptroller and Purchasing Approvals

Funds Available/Codes Correct [signature] Comptroller — 3/31/2021 Date Approved by Comptroller

Complies with Appropriate Procurement Law (MGL ch 149, ch 30 30 30M, or ch 30B) [signature] Purchasing — 3/31/21 Date Approved by Purchasing

Memorandum

To: MELVIN KLECKNER, TOWN ADMINISTRATOR

CC: SELECT BOARD

From: LINDA G GOLBURGH, ASSISTANT TOWN CLERK

Date: 3/31/2021

Re: MAY 4, 2021 ANNUAL TOWN ELECTION WARRANT

Attached, please find an electronic copy of the election warrant for the May 4, 2021 Annual Town Election. This warrant must be signed by the Select Board and posted by a Constable no later than seven (7) days before the election – or Tuesday, April 27, 2021. **Given Mail In and In Person Early voting this year I would suggest this be acted upon as soon as possible.**

Historically, although not required, the Board of Selectmen has also published the signed warrant in the local newspaper.

If you have any questions concerning this matter please do not hesitate to contact me.

TOWN OF BROOKLINE
LINDA G GOLBURGH, ASSISTANT TOWN CLERK
TOWN CLERK

SS. Norfolk

To either of the Constables of the Town of Brookline

GREETINGS:

In the name of the Town of Brookline, you are hereby required to notify and warn the inhabitants of said town who are qualified to vote in Elections to vote at Precincts 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16

Precinct 1 BU-Wheelock College, 43 Hawes Street (Monmouth Street Entrance)

Precinct 2 Coolidge Corner Branch Library, 31 Pleasant Street

Precinct 3 Florida Ruffin Ridley School Gymnasium, Stedman Street Entrance

Precinct 4 Town Hall, Room 103, 333 Washington Street

Precinct 5 Lincoln School, 19 Kennard Road

Precinct 6 BHS Schluntz Gymnasium, 115 Greenough Street

Precinct 7 BHS Schluntz Gymnasium, 115 Greenough Street

Precinct 8 Florida Ruffin Ridley School Gymnasium, Stedman Street Entrance

Precinct 9 Brookline Senior Center, 93 Winchester Street

Precinct 10 BHS Schluntz Gymnasium, 115 Greenough Street

Precinct 11 Driscoll School, New Gymnasium (Washington Street Entrance)

Precinct 12 Runkle School Gymnasium, 50 Druce Street (Front Entrance)

Precinct 13 Runkle School Gymnasium, 50 Druce Street (Front Entrance)

Precinct 14 Heath School Gymnasium, 100 Eliot Street

Precinct 15 Fire Station #6 (Rear), 962 Hammond Street

Precinct 16 Putterham Branch Library, 959 West Roxbury Parkway

On **TUESDAY, THE FOURTH DAY OF MAY, 2021** from 7:00 a.m. to 8:00 p.m. for the following purpose:

To cast their votes in the Town Election for the candidates for the following offices and questions:

ONE MODERATOR.....	FOR THREE YEARS
ONE TOWN CLERK.....	FOR THREE YEARS
TWO SELECT BOARD MEMBERS.....	FOR THREE YEARS
FOUR TRUSTEES OF THE PUBLIC LIBRARY.....	FOR THREE YEARS
ONE TRUSTEE OF THE PUBLIC LIBRARY.....	FOR ONE YEAR
THREE MEMBERS OF THE SCHOOL COMMITTEE.....	FOR THREE YEARS
ONE SCHOOL COMMITTEE.....	FOR ONE YEAR
ONE HOUSING AUTHORITY COMMISSIONER.....	FOR FIVE YEARS
ONE CONSTABLE.....	FOR ONE YEAR

ALSO

FIVE TOWN MEETING MEMBERS FOR THREE YEARS

In Precincts 1,2,3,4,5,6,7,8,9,10,11,12,13,14,15 and 16

ALSO

ONE TOWN MEETING MEMBER FOR TWO YEARS

In Precincts 4,6,8,9,10,15 and 16

ALSO

QUESTION 1

Shall the Town vote to have its elected Town Clerk become an appointed Town Clerk of the Town?

YES _____

NO _____

QUESTION 2

Shall this Town accept sections 3 to 7, inclusive of chapter 44B of the general Laws, as approved by its legislative body, a summary of which appears below?

Sections 3 to 7 of chapter 44B of the General Laws of Massachusetts, also known as the community preservation Act ("Act"), establishes a dedicated funding source to enable cities and towns to (1) acquire open space, including land for park and recreational uses, wetlands, farm land, forests, marshes, scenic areas, wildlife preserves and other conservation areas, (2) acquire and restore historic buildings and sites, and (3) create affordable housing.

If approved, the funding source for eligible community preservation purposes will be a surcharge of 1% on the annual property tax assessed on real property in the Town of Brookline commencing in fiscal year 2022 and annual distributions made by the state from a trust fund created by the Act. Property owned and occupied as a domicile by any person who qualifies for low income housing or low or moderate income senior housing in the Town of Brookline, as defined in section 2 of the Act, will be exempt from the surcharge.

A community preservation committee will be established by by-law to study community preservation resources, possibilities and needs, and to make annual recommendations to town meeting on spending the funds. At least 10% of the funds for each fiscal year will be spent or reserved for later spending on each of the Act's three community preservation purposes: (1) open space, (2) historic resources and (3) affordable housing.

YES _____

NO _____

NOTICE

The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to the **ADA Coordinator, Lloyd Gellineau, Director of the Office of Diversity, Inclusion and Community Relations, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2326; TDD (617) 730-2327.**

Hereof fail not and make return this warrant with your doings thereon at the time and place of said voting.

Given under our hands this _____ day of _____ 2021
(Month)

Select Board of the Town of Brookline

Town of Brookline
Massachusetts

Department of Planning and Community Development

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442
TTY (617) 730-2327

Alison Steinfeld
Director

MEMO

To: Select Board, Mel Kleckner
From: Kara Brewton, Economic Development Director
Date: April 7, 2021
Re: Temporary Partial River Road Closure
cc: Alison Steinfeld, Erin Gallentine, Todd Kirrane, Jen Ziskin

On behalf of Jen Ziskin, owner of La Morra and Punch Bowl Tavern, I am requesting the Select Board take up an agenda item at their April 13th meeting, "Discussion and vote to temporarily close a portion of River Road through December 31, 2021 for the purposes of general public seating and expanded outdoor seating associated with Punch Bowl Tavern, 700 Brookline Avenue."

Jen Ziskin would like to expand outdoor seating onto a portion of River Road directly behind Punch Bowl Tavern, which is opening within the hotel at 700 Brookline Avenue. The Select Board have already voted on a process which allows Town staff to review and permit expanded outdoor seating through December 31, 2021 within the public right-of-way, including sidewalks and on-street parking spaces. The Select Board have also strongly encouraged staff to explore other expanded outdoor seating areas on public property, including closing streets. We will continue to seek specific approval from the Select Board for use of public spaces that are beyond sidewalk and curbside parking space locations, as we did with the seating area behind Hamilton restaurant and the Webster Street parking lot last year.

A portion of River Road has been closed for a couple years due to the construction activities of the hotel at 700 Brookline Avenue. As shown on the attached plan, we are proposing to keep this portion of River Road closed for this season, which would not only allow expanded, safer outdoor seating for Punch Bowl Tavern, but would also provide additional public amenities for the general public. Approximately one quarter of the seating shown would be available for the general public to use (without any required purchase of food).

Commissioner Gallentine worked with the Parks & Recreation Commission and the applicant to make sure that the Emerald Necklace park would remain passive in use while adding public amenities sponsored by Punch Bowl Tavern within River Road. The Transportation Board also reviewed this proposal and voted on March 29th to favorably recommend to the Select Board that this partial road closure be permitted for this season. The Transportation Board also asked the applicant and staff to consider incorporating a more direct public access on the northern end of the raised paved area, connecting those traveling from the north along the Muddy River to the public amenities closest to the hotel such as the bike repair station and water fountain/ refill station. They also suggested that public amenities be included beyond those already committed to by the special permit in place for the hotel, and that the specifics of whether that included seating or seating and tables to be reviewed and approved by Commissioner Gallentine.

In addition to the attached plan reflecting these adjustments, please note the letters of support from adjacent businesses to close the road, a detail sheet for the proposed furniture, and photos of the existing area.

Jen Ziskin and I look forward to discussing this exciting proposal for River Road.

Hilton Garden Inn

February 21, 2021

Kara Brewton, Economic Development Director
Daniel Bennet, Building Commissioner
Erin Gallentine, Commissioner of Public Works
Todd Kirrane, Transportation Administrator

Dear Brookline Town Officials,

I am writing to express the support of the Hilton Garden Inn for the seasonal closure of River Road, for the purpose of providing an expanded outdoor dining space for The Punch Bowl Tavern.

We are excited to open our new hotel, and we're thrilled to partner with a local, well respected restaurant operator to provide our guests and the local community with a superior food and beverage experience. We feel particularly fortunate to be able to do this during the COVID-19 pandemic.

Because River Road has been closed for the last 2+ years, we don't believe a continued closure will have a negative impact on the immediate area surrounding the hotel. Going forward, if the seasonal closure of River Road is approved, the hotel's valet parking plan will be follows: valet attendants will exit our garage onto River Road, make a left heading north to Brookline Avenue, take a left onto Brookline Avenue, then a right on Pearl Street, a left onto Washington Street, and then a left onto Brookline Avenue to our valet line in front of the hotel. Although this route is more circuitous than exiting right onto River Rd., it will add less than 5 minutes wait time for the retrieval of our guests' cars. Being able to provide the additional outdoor dining space certainly outweighs that additional valet time.

Thank you for your consideration, and we look forward to seeing you at the Hilton Garden Inn soon!

Sincerely,

John Mitchell
General Manager
Hilton Garden Inn Brookline

Hilton Garden Inn Boston/Brookline
700 Brookline Ave.
Brookline, MA 02446

T 617-935-0077
F 617-935-0037
www.bostonbrookline.hgi.com

Hilton HONORS

PUNCH BOWL

To Whom It May Concern,

We are the owners of La Morra, located at 48 Boylston Street, which has been opened for over 17 years. We are about to open Punch Bowl, a modern city tavern, in the new Hilton Garden Inn on 700 Brookline Avenue. We are proposing to the town continuing the closure of River Road to offer outside dining for our opening and throughout the summer and fall on River Road for the safety of our guests during the pandemic. We are hoping to offer seating on the sidewalk on Washington Street, Brookline Ave and on River Road, so we can keep our guests and staff safe during the pandemic.

We will have well-structured safety measures in place as well as socially distanced tables and seating. We are concerned without this outdoor space it will be impossible to launch a successful opening of Punch Bowl.

We have a restaurant in Sherborn with a beautiful outdoor dining space. We have seen the successes of that and also everyone seems much happier diining outside when available and although we are petitioning to do this temporarily, we think this additional outdoor space would enhance the Village…formally known as "Punch Bowl Village" after the old Punch Bowl Tavern in the late 1700's.

Please support this proposal.

Best,

Jen and Josh Ziskin, La Morra, Heritage of Sherborn & Punch Bowl

Signature: Sarah Kwiatkowski

Name, Business, Date: Sarah Kwiatkowski
VCA Brookline Animal Hospital
3/4/2021

PUNCH BOWL

To Whom It May Concern,

We are the owners of La Morra, located at 48 Boylston Street, which has been opened for over 17 years. We are about to open Punch Bowl, a modern city tavern, in the new Hilton Garden Inn on 700 Brookline Avenue. We are proposing to the town continuing the closure of River Road to offer outside dining for our opening and throughout the summer and fall on River Road for the safety of our guests during the pandemic. We are hoping to offer seating on the sidewalk on Washington Street, Brookline Ave and on River Road, so we can keep our guests and staff safe during the pandemic.

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Please support this proposal.

Best,

Jen and Josh Ziskin, La Morra, Heritage of Sherborn & Punch Bowl

Signature:

Name, Business, Date:

Mary Alegrone

- better access for Brookline Ice + Coal,
- Removal or moving light post back across from Brookline Ice + Coal.
- Removal of Island at access point of River Road.

PUNCH BOWL

To Whom It May Concern,

We are the owners of La Morra, located at 48 Boylston Street, which has been opened for over 17 years. We are about to open Punch Bowl, a modern city tavern, in the new Hilton Garden Inn on 700 Brookline Avenue. We are proposing to the town continuing the closure of River Road to offer outside dining for our opening and throughout the summer and fall on River Road for the safety of our guests during the pandemic. We are hoping to offer seating on the sidewalk on Washington Street, Brookline Ave and on River Road, so we can keep our guests and staff safe during the pandemic.

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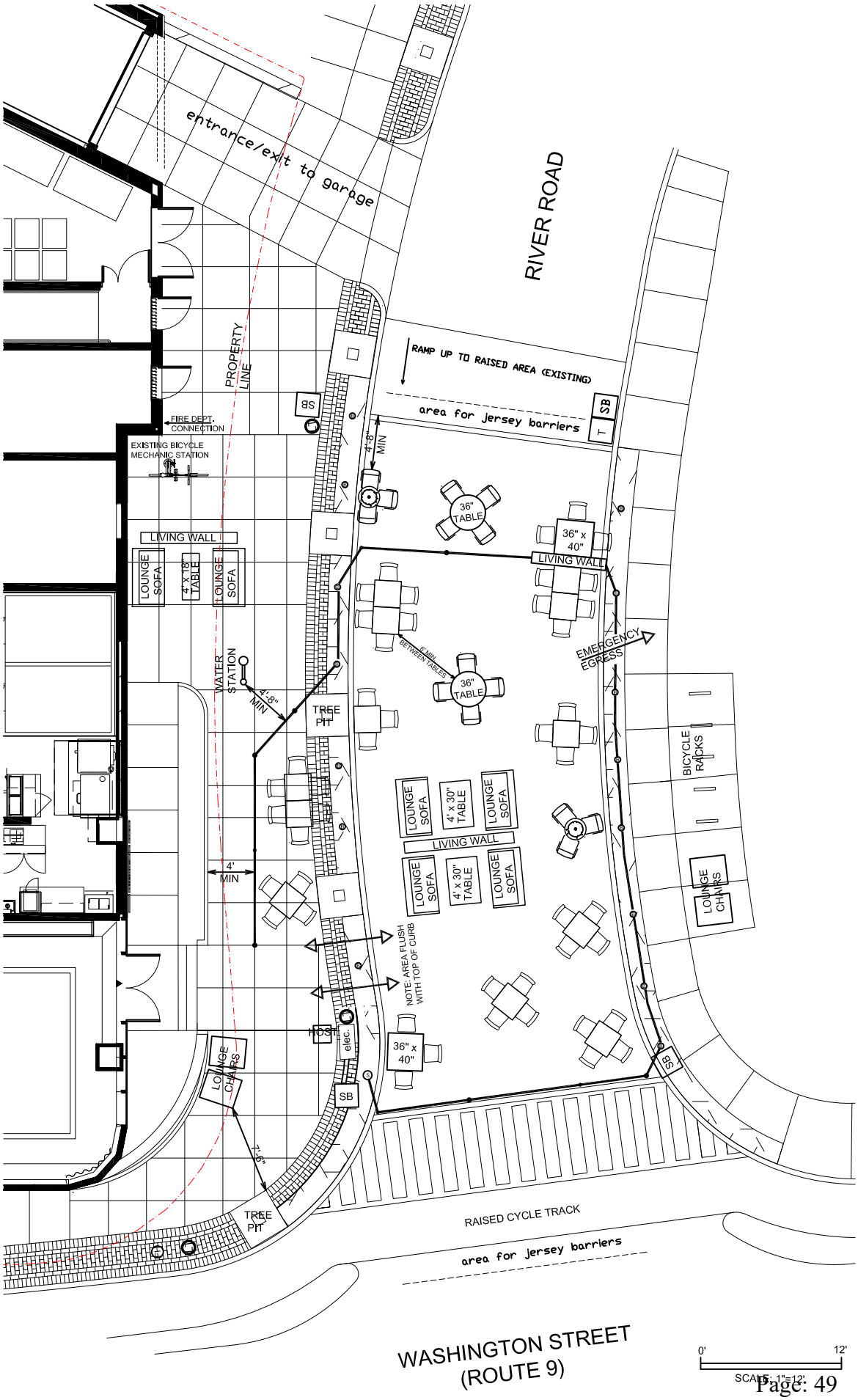
Please support this proposal.

Best,

Jen and Josh Ziskin, La Morra, Heritage of Sherborn & Punch Bowl

Signature:

Name, Business, Date: Elie Lakkis
Brookline Foreign Motors
3/7/21


entrance/exit to garage
RIVER ROAD
RAMP UP TO RAISED AREA (EXISTING)
area for Jersey barriers
SB
T
PROPERTY LINE
FIRE DEPT. CONNECTION
EXISTING BICYCLE MECHANIC STATION
4'-8" MIN
36" TABLE
36" x 40"
LIVING WALL
LOUNGE SOFA
4' x 18" TABLE
LOUNGE SOFA
WATER STATION
4'-9" MIN
TREE PIT
EMERGENCY EGRESS
BICYCLE RACKS
LOUNGE SOFA
4' x 30" TABLE
LOUNGE SOFA
LIVING WALL
LOUNGE SOFA
4' x 30" TABLE
LOUNGE SOFA
LOUNGE CHAIRS
4' MIN
NOTE: AREA FLUSH WITH TOP OF CURB
HOSE
elec.
36" x 40"
SB
LOUNGE CHAIRS
7'-6"
TREE PIT
RAISED CYCLE TRACK
area for Jersey barriers
WASHINGTON STREET
(ROUTE 9)
0'
12'
SCALE: 1"=12'

Punchbowl - Patio

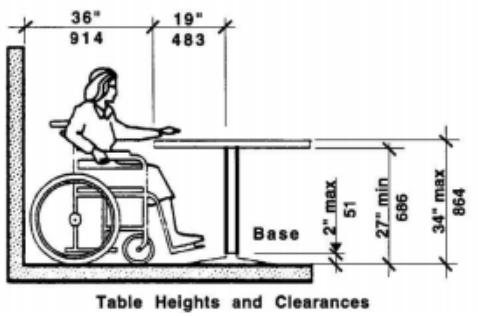
FURNITURE SCHEDULE SHOWN ON PLAN
1 - ACCESSIBLE 30" X 40" TABLE WITH 2 SEATS (SEE DIAGRAM TO RIGHT)
10 - 24" SQUARE TABLE WITH 4 SEATS; 5 WITH UMBRELLAS (SEE TYP. PHOTO BELOW CENTER)
3 - 22" X 30" TABLES WITH 2 SEATS
3 - 20" DIAMETER ROUND TABLES WITH 3 SEATS
3 - LOUNGE TABLES (DIMENSIONS SHOWN ON PLAN) WITH 2 X 2 SEAT LOUNGE SOFA EACH
2 LIVING WALLS (SEE DETAIL BELOW)
TOTAL OF: 20 TABLES, 68 SEATS

*ALL TABLES 36" HIGH UNLESS OTHERWISE NOTED

FOR CURB SIDE OF SEATING: USE HEAVY DUTY ZIP-TIES TO CINCH 1" DIAMETER BRAIDED ROPE AMONG EXISTING BOLLARDS, AS SHOWN ON ATTACHED PLAN

FOR FACADE SIDE OF SEATING: BLACK MOVABLE HDPEBARRIER POSTS WITH RECTRACTABLE BELT
POST BASE: 14.5" DIA
POST HEIGHT: 38.5"

LIVING WALL DESCRIPTION
Base: 9'-5" long x 12" deep x 19" tall
Materials of base: polymer
Planting screen is 2 - 4 x 6 trellis sheets embedded in gravel in base with plastic hanging pot inserts on each side of plywood sheets



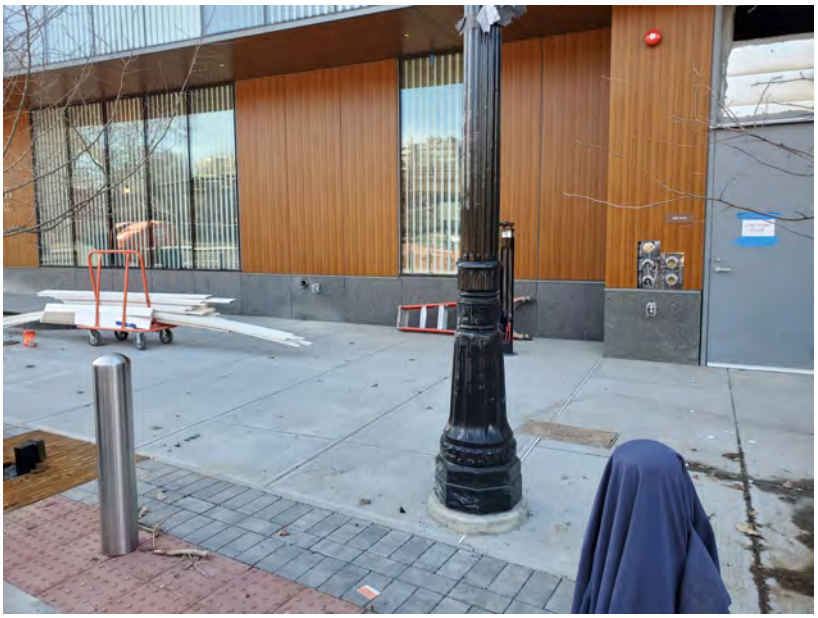
36" WIDE BY 40" DEEP TABLE SHOWN ON PLAN NEAR DOUBLE DOORS TO MEET THESE HEIGHT AND CLEARANCES

TYPICAL 4-SEAT TABLE WITH UMBRELLA
CHAIRS: 18" SQUARE; 18" HIGH SEAT

STYLE OF LOUNGE SOFA
(CHAIR VERSION SHOWN ABOVE)
DIMENSIONS OF SOFA: 5' LONG X 2'-9" DEEP;
SEAT 12" HIGH

TABLES SHOWN ADJACENT TO LOUNGE SOFAS ARE 15" HIGH

Hilton
Garden Inn



TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

Memorandum

To: Select Board
From: Erin Chute Gallentine - Commissioner of Public Works
Todd Kirrane, Transportation Administrator
Date: April 5, 2021
Re: *Sidewalk/Ramp Construction, Replacement, and Maintenance Policy*
Cc: Mel Kleckner, Town Administrator
Joslin Murphy, Town Counsel

Attached, please find for your review and approval the Department of Public Works' recommended update to the Town of Brookline Sidewalk/Ramp Construction, Replacement, and Maintenance Policy. This policy update will replace the Town's 2002 Sidewalk Construction, Replacement, and Maintenance Policy.

The updated policy provides:

- Inclusion of ADA compliant ramps as an integral component of the public way infrastructure
- Updated definitions to align with the Town's condition assessment of sidewalks and ramps
- Alignment with ADA, PROWAG, and other relevant Town policies and plans
- Clarity of roles and responsibilities with public way infrastructure upgrades
- Provision of process, permit, and indemnity for the Town related to approved betterments requested by resident abutters to the public way, such as underground heating wires for driveways and walkways that cross from private property to public property or ADA compliant pavers as part of the driveway apron

The Department of Public Works is committed to creating a walkable community supporting the transportation-related aspects of the Select Board's Climate Action Plan, Select Board's Complete Streets Policy, and Town Meeting's Warrant Article 31 Healthy & Sustainable Mode Share Goals. It is the policy of the Department to allocate operational and capital resources to achieve a minimum sidewalk and ramp condition rating index of FAIR as defined in this policy, to develop uniformity of surface materials town-wide, and to comply with the Public Rights-of-Way Guidelines (PROWAG) as issued by the United States Access Board, and 521 CMR as issued by the Massachusetts Architectural Access Board (MAAB).

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Telephone: (617) 730-2156 Facsimile: (617)713-3727
www.brooklinema.gov

The updated policy clarifies roles and responsibilities, recognizes compliance with ADA and PROWAG, defines the Town's minimum goal, establishes a process for special resident requests, and has had a legal review to protect the Town's interests and assets.

In addition, and in accordance with the updated policy, the Select Board has two permit requests for the installation of underground wires within the public way. Approval of these requests will permit private residences, at the specified addresses, to install heating wires, for the purpose of a heated driveway, from their driveway on private property through the driveway apron located on public property. These requests, along with the updated policy, have been vetted by Town Counsel and are supported by the new policy that allows the Department to approve and the Select Board to permit private abutters to install heated driveway wires at their own expense and liability. The Town will not be responsible for any damages resulting directly or indirectly from installation or any repairs performed by the property owner or by any person/contractor hired by the property owner.

The installation will require review and a permit from the Building Department and oversight by the Department of Public Works. The permit process and document is based upon language in a Heating Wires Ordinance adopted by the City of Newton.

Recommendation: Motion to approve the updated Town of Brookline Sidewalk Repair, Replacement, and Maintenance Policy dated April 13, 2021.

Recommendation: Motion to approve a permit to Shifra and Barry Pollack, located at 84 Clinton Road, to install Heating Wires in Driveway Entrance in accordance with the updated Sidewalk Repair, Replacement, and Maintenance Policy dated April 13, 2021.

Recommendation: Motion to approve a permit to Anila Jacob, located at 90 Clinton Road, to install Heating Wires in Driveway Entrance in accordance with the updated Sidewalk Repair, Replacement, and Maintenance Policy dated April 13, 2021.

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TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

SIDEWALK/RAMP CONSTRUCTION, REPLACEMENT, AND MAINTENANCE POLICY

April 2021

The Department of Public Works is committed to creating a walkable community in support of the transportation related aspects of the Select Board's Climate Action Plan, Select Board's Complete Streets Policy, and Town Meeting's Warrant Article 31 Healthy & Sustainable Mode Share Goals. It is the policy of the Department to allocate operational and capital resources to achieve a minimum sidewalk and ramp condition rating index of FAIR as defined in this policy, to develop uniformity of surface materials town-wide, and to comply with the Public Rights of Way Guidelines (PROWAG) as issued by the United States Access Board and 521 CMR as issued by the Massachusetts Architectural Access Board (MAAB).

CRITERIA

For purposes of implementing this policy, the following standards shall be applied:

1. Sidewalk & Ramp Condition Rating – The Department shall establish and maintain a sidewalk and ramp condition rating with the following classifications:

    a. "Excellent" — No material defects. Likely PROWAG & MAAB compliant.
    b. "Good" — Beginning to show signs of wear, but no material defects that would adversely impact public use. Likely PROWAG & MAAB compliant.
    c. "Fair" — Moderate signs of failure, condition does not present safety issues for public use (20% to 30% of sidewalk requires repair). Likely PROWAG & MAAB compliant.
    d. "Poor" — Significant signs of failure that could present safety issues for public use (30% to 60% of sidewalk requires repair). Not likely to meet PROWAG & MAAB compliance.
    e. "Replace" — Major signs of failure that make sections of the sidewalk potentially hazardous for public use (60% to 100% of sidewalk requires repair). Not likely to meet PROWAG & MAAB compliance.

2. Sidewalk & Ramp Prioritization – The Department resources shall be prioritized as follows:

    a. School Zones and designated Safe Routes to School walking routes
    b. Commercial Areas and areas with a concentrated Senior Population
    c. Areas surrounding other public facilities or gathering places including, but not limited to, Libraries, Schools and Municipal Buildings, Parks, Playgrounds, Places of Worship, etc.
    d. Arterial and Collector Roadways
    e. Other locations such as neighborhood streets.

REPLACEMENT

1. Initiated by Town – The Department shall maintain an updated sidewalk & ramp management program and shall annually implement a capital improvement plan to replace sidewalks and ramps that are rated POOR or below. Additionally, whenever the Town is resurfacing or reconstructing a roadway and there are adjacent sidewalks and ramps that are rated POOR or below, the Town shall rehabilitate or repair those sidewalk sections in conjunction with the roadway project.

    The Commissioner of Public Works may also authorize replacement sections of sidewalks that are rated FAIR or better in order to maintain uniformity of materials and to minimize further deterioration of the current conditions.

2. Initiated by Abutter – Abutters requesting replacement of sidewalks must notify the Department by October 1st of each year to have the work designed, bid and scheduled for the following construction season (requests received later than October 1st may not be able to be accommodated). If a request for replacement of a section of sidewalk is on the list established by the Department for that year, the Department will schedule and replace the sidewalk at no expense to the property owner. Requests for replacement of sidewalks rated POOR or below that are not on the established list by the Department for that year, will receive a lower priority and advanced only as budget constraints allow. The abutter shall be responsible for 50% of the total cost for sidewalks replaced early or advanced on the list.

    The Commissioner of Public Works may permit replacement of sections of sidewalks, at the request of the abutter, that are rated FAIR or better in order to maintain uniformity of materials and to manage the asset from further deterioration. The abutter shall be responsible for 100% of the total cost for these sidewalks. If additional work beyond what is typically required for the installation of sidewalks is required, such as, but not limited to, retaining walls, adjustments to street drainage, grading, etc. the abutter shall be responsible for 100% of the costs involved with the additional work as well.

MAINTENANCE

In addition to the sidewalk & ramp capital improvement program, the Department will perform routine sidewalk and ramp maintenance on isolated sections of the sidewalk that are deemed by the Department to present a safety hazard for pedestrians. The Department will respond to citizen requests for sidewalk and ramp maintenance within the current construction season for requests received prior to June 1st so long as funding is available within the Department budget.

NEW SIDEWALK CONSTRUCTION

1. Initiated by Town - Whenever the Town undertakes resurfacing or reconstruction of a public way, such projects shall include at the sole expense of the Town, and in accordance with the Town's Complete Streets Policy, the construction of sidewalks at all locations within the project area where there are no existing cement or bituminous concrete sidewalks and ramps.

   New and reconstructed sidewalks shall be accessible to and usable by people with disabilities in accordance with the Americans with Disabilities Act, Massachusetts Architectural Access Board Rules and Regulations (521 CMR), and other applicable accessibility standards. For new and reconstructed sidewalks, obstacles that limit or preclude compliance with said standards, including utility poles, mailboxes, and landscaping, shall be modified, relocated, removed, or worked around to achieve compliance wherever feasible.

   In accordance with the Complete Streets Policy, as determined by the Commissioner of Public Works, exceptions apply in locations where people are prohibited by law from using the facility on foot, situations in which the cost of establishing walkways as part of the project would be disproportionate to anticipated future use and value; and if existing right of way constraints preclude the addition of pedestrian facilities or where such addition would create unsafe conditions.

2. Initiated by Abutter – Whenever the owner of a property abutting a public way requests installation of a sidewalk or ramp abutting such property, the Town shall review the request and identify any constraints as it develops a conceptual sidewalk and ramp plan and preliminary opinion of probable cost, present the plan and cost information to the abutter for review/comment. If acceptable, the Town shall schedule such construction based on the prioritization by location and as budgetary constraints allow. The abutter shall be responsible for payment of 50% of the cost of the cement concrete as determined by the Department's current unit pricing. If additional work beyond what is typically required for the installation of sidewalks or ramps is required, such as, but not limited to, retaining walls, adjustments to street drainage, grading, etc. the owner shall be responsible for 100% of the costs involved with the additional work as well.

HEATING WIRES, IRRIGATION OR OTHER PERSONAL PROPERTY IN OR UNDER THE SIDEWALK AND DRIVEWAY APRONS IN THE PUBLIC RIGHT-OF-WAY

Upon petition of the abutter, the Department may, after a plan therefor has been approved by the appropriate Inspector and/or Engineer, grant permission for the installation of heating wires, irrigation or other systems in sidewalks, driveway entrances, and tree lawns located within the right of way in front of the abutter's property. The abutter shall be responsible for

- Obtaining all necessary permits from the Town,
- Submitting an engineering plan depicting the areas in which the heating wires, irrigation or other system are to be located,
- Submitting a signed and notarized 'Permit for Access and Occupancy in the Public Way' agreement with the Town, and
- Submitting proof that the Permit for Access and Occupancy in the Public Way has been recorded or registered at the Norfolk County Registry of Deeds.

The abutter shall be responsible for 100% of the cost of developing the engineering plan, applying for the permit(s), installation of the heating wires, irrigation or other system including all necessary excavation and repaving of the affected sidewalk and driveway apron area, whether or not performed by the Town. The engineering plan shall include a permanent marker embedded into both ends of the sidewalk area indicating the presence of and any possible hazards associated with the system below the public way. For example, "CAUTION: BURIED HEATING WIRES" to clearly delineate the area where heating elements are located within the sidewalk and apron. In addition, the abutter shall bear all responsibility and liability for any damages whatsoever, and will indemnify the Town for same, as a result of the installation, removal or existence of the heating, irrigation or other systems. The Town, its contractors or any other party using, conducting maintenance, repairing, replacing or installing anything in right of way shall bear no liability whatsoever for any damage to the heating, irrigation or other systems, that may occur.

MATERIAL

1. Sidewalk & Ramp Replacement – Sidewalk sections in the sidewalk and ramp capital improvement plan shall be replaced or rehabilitated with Portland Cement Concrete. Portland Cement Concrete will be used for the entire length of the sidewalk section being replaced or rehabilitated except that bituminous concrete, or other approved material, may be used in the vicinity of trees if deemed necessary by the Department to avoid causing damage to the tree and provide a smoother sidewalk surface. The Portland Cement Concrete will be colored as required by Department specifications. At the abutter's sole expense, and if deemed feasible and appropriate by the Department, existing or replacement pavers may be installed or removed and reset if fully compliant with ADA and if the abutter shall bear all responsibility and liability for the condition and maintenance of the sidewalk and ramp in the public way.

2. Sidewalk Maintenance – When the Department performs routine sidewalk maintenance, the sidewalk will be repaired with the same material as the existing sidewalk to the extent practical.

COSTS

1. Initiated by Town – The Department will pay for the cost for construction of all sidewalk sections and ramps under the replacement, maintenance, and new construction projects.

2. Initiated by Abutter – Abutters will be responsible for the percentage of the cost as indicated in this policy. In the event that the abutter cost is $500 or more, it shall be assessed upon their abutting property pursuant to MGL c.38 sec. 26 provided that nothing herein shall prohibit an abutter from voluntarily prepaying.

Erin Gallentine

Erin Chute Gallentine
Commissioner, Department of Public Works
Town of Brookline, Massachusetts

April 6, 2021
Date

By: Select Board

Date: April 13, 2021

TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

Access and Occupancy Permit in the Public Way
PERMIT FOR HEATING WIRES IN DRIVEWAY ENTRANCE

WHEREAS, *Anila G. Jacob / Clinton Road Realty Trust*("Owners") are the owners of the land (the "Property"), known as 90 Clinton Road , Brookline, being described in a deed from *Norfolk County* dated *February 18, 2021* and registered in the Norfolk County Registry of Deeds in Book *39017* , Page 599 with Certificate No. 21001 ; and

WHEREAS, the property abuts the adjacent public way known as *Clinton Road* , which is owned and controlled by the Town of Brookline ("Town"); and

WHEREAS, the owners have sought the permission of the Town, through its Commissioner of Public Works, to install heating wires beneath the entrance to the driveway of the Property within the public way known as *Clinton Road* ;

NOW THEREFORE, in consideration of the covenants stated herein, be it agreed as follows:

1. The Town, through its Commissioner of Public Works, without in anyway releasing or abandoning its ownership, rights and easements in *Clinton Road* , hereby grants a permit to the Owners allowing the installation and maintenance, at the Owners' sole expense, of heating wires beneath the entrance to the driveway of the Property within the public way known as *Clinton Road* as depicted on a diagram on file with the Engineering Division of the Department of Public Works of the Town of Brookline.

2. The Owners hereby agree to release the Town from all claims and suits for damages, injuries, losses and costs arising out of street maintenance and repair operations, including snow removal, by the Town, its agents and contractors within so much of the public way as described in paragraph 1 herein. The Owners further agree to indemnify and defend the Town against all claims and suits for damages, injuries, losses and costs, including reasonable attorneys' fees, arising out of the presence or maintenance of the heating wires and associated equipment whether located in the public way or on the Owners' Property.

3. The Town shall have no obligation whatsoever to repair or replace any portion of the heating wires or any associated equipment regardless of the cause of such damage or need of repair.

4. The Town may revoke this permit at any time if the Commissioner of Public Works determines, in her sole discretion, that the presence of the heating wires in the public way is detrimental to the safety and convenience of the public or interferes with the maintenance or use of CLINTON ~~Street~~ / Road for any purpose for which public ways are commonly used. In the event of such revocation, the Town shall provide notice to Owners, if practicable, and the Owners shall remove the heating wires from the public way no later than the date directed in such notice, or the Town may perform such removal at any time with or without notice to the Owners.

5. The permit granted hereunder is not transferable and shall terminate upon the termination of Owners' ownership of the Property, provided however that Owners' successors may apply to the Commissioner of Public Works for a new permit. Nevertheless, should the Owners' successors fail to apply for a new permit, all of the obligations and liabilities set forth herein shall continue to apply to the Owners' successors until such time as a new permit is granted or until such time as the Town revokes the permit.

6. A fully executed copy of this document shall be recorded or registered at the Norfolk County Registry of Deeds.

IN WITNESS WHEREOF, the parties have set their hands and seals to this instrument.

OWNERS

ANILA G JACOB

Owner's Name

4/1/21

Date

Owner's Name

Date

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 1st day of April, 2021 before me, the undersigned notary public, personally appeared, Anila G. Jacob proved to me through satisfactory evidence of identification being [✓] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by her voluntarily and for its stated purpose.

SAU PING YEUNG
Notary Public
Commonwealth of Massachusetts
My Commission Expires
October 26, 2023

Sau Ping Yeung

Notary Public

My commission expires 10/26/2023

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this_____ day of_____, 2021 before me, the undersigned notary public, personally appeared, ____*Owner*_____ proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by his voluntarily and for its stated purpose.

_____
Notary Public
My commission expires_____

TOWN OF BROOKLINE

_____
By: Erin Chute Gallentine, Commissioner of Public Works

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this_____ day of _____ , 2021 before me, the undersigned notary public, personally appeared, ___Erin Chute Gallentine___ , Commissioner of Public Works of the Town of Brookline, proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by her voluntarily and for its stated purpose as Commissioner of Public Works for the Town of Brookline.

_____
Notary Public
My commission expires_____

SELECT BOARD APPROVED

_____

_____

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COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this_____ day of _____ , 2020 before me, the undersigned notary public, personally appeared, _____
Select Board members of the Town of Brookline, proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the persons whose names are signed above, and acknowledged that the foregoing was signed by her or him voluntarily and for its stated purpose as Select Board members of the Town of Brookline.

_____
Notary Public
My commission expires_____

TOWN OF BROOKLINE
Massachusetts
DEPARTMENT OF PUBLIC WORKS

Erin Chute Gallentine
Commissioner

Access and Occupancy Permit in the Public Way
PERMIT FOR HEATING WIRES IN DRIVEWAY ENTRANCE

WHEREAS, Shifra N. Polack & Barry S. Polack ("Owners") are the owners of the land (the "Property"), known as 84 Clinton Road, Brookline, being described in a deed from Miriam Mendoza (f/k/a Miriam Horwitz) dated March 26, 2004 and registered in the Norfolk County Registry of Deeds in Book 20764, Page 252 with Certificate No. _____ ; and

WHEREAS, the property abuts the adjacent public way known as Clinton Road, which is owned and controlled by the Town of Brookline ("Town"); and

WHEREAS, the owners have sought the permission of the Town, through its Commissioner of Public Works, to install heating wires beneath the entrance to the driveway of the Property within the public way known as Clinton Road ;

NOW THEREFORE, in consideration of the covenants stated herein, be it agreed as follows:

1. The Town, through its Commissioner of Public Works, without in anyway releasing or abandoning its ownership, rights and easements in Clinton Road, hereby grants a permit to the Owners allowing the installation and maintenance, at the Owners' sole expense, of heating wires beneath the entrance to the driveway of the Property within the public way known as Clinton Road as depicted on a diagram on file with the Engineering Division of the Department of Public Works of the Town of Brookline.

2. The Owners hereby agree to release the Town from all claims and suits for damages, injuries, losses and costs arising out of street maintenance and repair operations, including snow removal, by the Town, its agents and contractors within so much of the public way as described in paragraph 1 herein. The Owners further agree to indemnify and defend the Town against all claims and suits for damages, injuries, losses and costs, including reasonable attorneys' fees, arising out of the presence or maintenance of the heating wires and associated equipment whether located in the public way or on the Owners' Property.

3. The Town shall have no obligation whatsoever to repair or replace any portion of the heating wires or any associated equipment regardless of the cause of such damage or need of repair.

BSP 3

4. The Town may revoke this permit at any time if the Commissioner of Public Works determines, in her sole discretion, that the presence of the heating wires in the public way is detrimental to the safety and convenience of the public or interferes with the maintenance or use of Clinton Road for any purpose for which public ways are commonly used. In the event of such revocation, the Town shall provide notice to Owners, if practicable, and the Owners shall remove the heating wires from the public way no later than the date directed in such notice, or the Town may perform such removal at any time with or without notice to the Owners.

5. The permit granted hereunder is not transferable and shall terminate upon the termination of Owners' ownership of the Property, provided however that Owners' successors may apply to the Commissioner of Public Works for a new permit. Nevertheless, should the Owners' successors fail to apply for a new permit, all of the obligations and liabilities set forth herein shall continue to apply to the Owners' successors until such time as a new permit is granted or until such time as the Town revokes the permit.

6. A fully executed copy of this document shall be recorded or registered at the Norfolk County Registry of Deeds.

IN WITNESS WHEREOF, the parties have set their hands and seals to this instrument.

OWNERS

Shifra N. Polack

3/23/21
Date

Barry S. Polack

3/23/21
Date

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of March, 2020 before me, the undersigned notary public, personally appeared, Shifra N. Polack proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by her voluntarily and for its stated purpose.

ISIAH MOORE
Notary Public
Commonwealth of Massachusetts
My Commission Expires February 13, 2026

Notary Public
My commission expires:

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this 23 day of March, 2020 before me, the undersigned notary public, personally appeared, Barry S. Polack proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by his voluntarily and for its stated purpose.

Notary Public
My commission expires

ISIAH MOORE
Notary Public
Commonwealth of Massachusetts
My Commission Expires February 13, 2026

TOWN OF BROOKLINE

By: Erin Chute Gallentine, Commissioner of Public Works

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this _____ day of _____, 2020 before me, the undersigned notary public, personally appeared, Erin Chute Gallentine, Commissioner of Public Works of the Town of Brookline, proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the person whose name is signed above, and acknowledged that the foregoing was signed by her voluntarily and for its stated purpose as Commissioner of Public Works for the Town of Brookline.

Notary Public
My commission expires_____

SELECT BOARD APPROVED

_____

_____

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_____

_____

COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

On this_____ day of _____ , 2020 before me, the undersigned notary public, personally appeared, _____
Select Board members of the Town of Brookline, proved to me through satisfactory evidence of identification being [ ] driver's license or other state or federal government document bearing a photographic image, [ ] my own personal knowledge of the identity of the signatory, to be the persons whose names are signed above, and acknowledged that the foregoing was signed by her or him voluntarily and for its stated purpose as Select Board members of the Town of Brookline.

_____
Notary Public
My commission expires_____

Town of Brookline FY22 Program Budget

Administration and Finance l Legal

Program Description

The Office of Town Counsel functions as the Town of Brookline's municipal counsel, providing legal advice to Town officials and employees in Town related matters. With staff support, the Town's counsel represent the Town and its officials and employees in claims and lawsuits in which they are named as parties, including personal injury and property damage claims that are brought under M.G.L. c. 84 and the Massachusetts Tort Claims Act; at administrative hearings and appeals before state and federal agencies, and in the state and federal trial and appellate courts. The Town's counsel draft, review and approve contracts, leases, and other municipal legal instruments; respond to open meeting and public records law requests and complaints; provide daily advice to officials, administrators and town and school department employees in matters concerning education, employment, open meeting, public record, conflict of interest, and zoning law; and provide advice and support to Town Meeting members and others in matters pertaining to Town Meeting.

FY22 Objectives

1. Complete acquisition of West Side of former Newbury Campus.
2. Resolve ongoing dispute at 617 Boylston between the owner, the developer of the neighboring parcel and the Town's Building Department.
3. Continue to assist in the revision of base DPW contracts to allow more straightforward procurement of contractors.
4. To legally vet warrant articles with perspicacity toward flagging possible concerns early in the reviewing process leading up to Town Meeting.
5. Explore expansion of our inter-office organization of a form and research library.
6. Continue to provide legal advice and guidance to Human Resources and other Town departments with labor and employment issues.
7. Obtain favorable rulings in the currently pending federal court cases.
8. To advance individual attorney exposure to a greater variety of legal work.
9. Successfully and effectively negotiate successor union contracts, all of which are scheduled to expire on June 30, 2021 (police contract expired on June 30, 2020).

10. Provide continued support to the Planning and Building Departments with legal needs related to permitting, including legal opinions, code revision, regulatory review and warrant article drafting.

FY21 Accomplishments

1. Provided guidance to Town officials and administrators in response to the introduction of the COVID-19 pandemic and related emergency legislation.
2. Successfully defended a preliminary challenge to Section 5.09 of the Zoning By-Law.
3. Guided the Fisher Hill Overlay District project through final stages of permitting, including the ongoing negotiations to acquire the west side of the former Newbury Campus.
4. As principal co-author of the Town's briefs, defended the Town's posture in its appeal pending before the Supreme Judicial Court in the matter of Town of Brookline v. Gerald Alston and the Massachusetts Civil Service Commission.
5. Provided legal advice to the Planning Board and Zoning Board of Appeals on a number of issues, including the effect of c. 40A, §6; the intersection of c. 40B and infectious invalidity and others.
6. Successfully defended the Town against preliminary injunctive relief sought by the Firefighters local union in the Norfolk Superior Court.
7. Represented the Town's public bodies in response to open meeting complaints and public record access appeals.
8. Assisted with the drafting of warrant articles proposing amendments to the Town's zoning and general by-laws.
9. Negotiated, drafted and reviewed numerous contracts and other legal documents related to environmental issues; real estate transactions; and real estate development projects.
10. Continued to improve the Town's approach to public records requests to ensure more efficient and effective compliance with the requirements of the law.

FY22 Budget Line Item Report

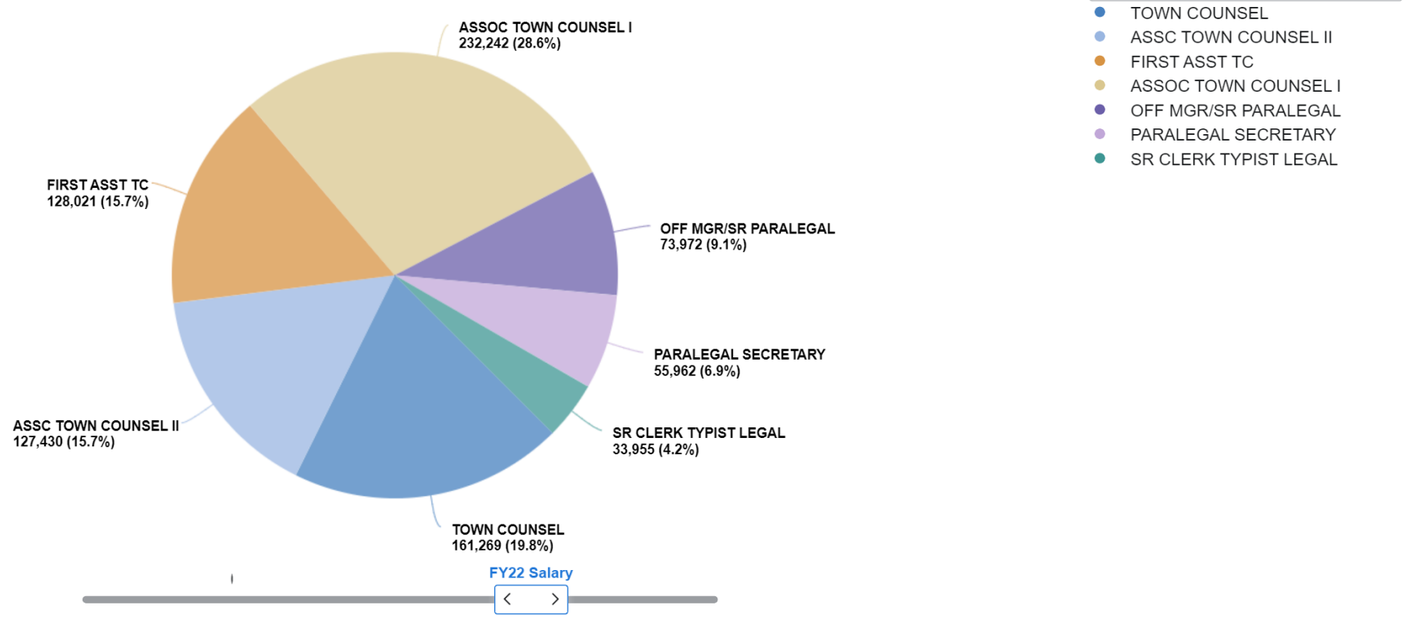
Collapse All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 783,637	$ 807,686	$ 812,449	4,763	0.59%
(510100) TRANSFER- SALARIES	-4,672	0	0	0	0.00%
(510101) PERMANENT FULL TIME	734,763	774,299	778,896	4,597	0.59%
(510102) PERMANENT PART TIME	24,676	33,887	33,955	68	0.20%
(510201) TEMPORARY FULL TIME	13,410	0	0	0	0.00%
(513044) LONGEVITY PAY	4,050	3,950	4,048	98	2.42%
(515059) A DAY BUYOUT	11,410	0	0	0	0.00%
(515501) CLOTHING-UNIFORM ALLOWANCE	0	550	550	0	0.00%
(OFFSETS) OFFSET	0	-5,000	-5,000	0	0.00%
SERVICES	248,985	183,269	183,269	0	0.00%
(522010) OFFICE EQUIP R & M	0	150	150	0	0.00%
(522015) D P EQUIP R & M	0	150	150	0	0.00%
(522016) COMPUTER SOFTWARE R & M	995	0	0	0	0.00%
(523011) COPY EQUIP RENTAL/LEASES	1,837	3,059	3,059	0	0.00%
(524008) GENERAL CONSULT SERVICES	202,111	133,510	133,510	0	0.00%
(525002) WIRELESS COMMUNICATIONS	1,611	1,900	1,900	0	0.00%
(528040) LITIGATION COSTS	18,704	22,500	22,500	0	0.00%
(528080) SUBSCRIPTIONS	23,727	22,000	22,000	0	0.00%
SUPPLIES	2,553	2,500	2,500	0	0.00%
(531012) OFFICE SUPPLIES	2,484	2,500	2,500	0	0.00%
(533210) MEALS & RECEPTIONS	69	0	0	0	0.00%
OTHER	112,271	81,500	81,500	0	0.00%
(553010) PROFESSIONAL DUES/MEMBERS	4,197	4,000	4,000	0	0.00%
(553020) IN STATE CONFERENCES	2,887	2,500	2,500	0	0.00%
(556010) CLAIMS & SETTLEMENTS	105,187	75,000	75,000	0	0.00%
BUDGETED CAPITAL	1,724	1,615	1,615	0	0.00%
(5A0017) LEASED COMPUTER EQUIPMENT	1,724	1,615	1,615	0	0.00%
Total	$ 1,149,170	$ 1,076,570	$ 1,081,333	4,763	0.44%

Data filtered by EXPENSES, LEGAL and exported on February 11, 2021. Created with OpenGov

FY22 FTE Salary

Used for Sect. IV Departmental budgets IBB

Visualization



	FY22 FTE	FY22 Salary
TOWN COUNSEL	1	161,269
ASSC TOWN COUNSEL II	1	127,430
FIRST ASST TC	1	128,021
ASSOC TOWN COUNSEL I	2	232,242
OFF MGR/SR PARALEGAL	1	73,972
PARALEGAL SECRETARY	1	55,962
SR CLERK TYPIST LEGAL	0.710	33,955
Total	7.710	812,851

Data filtered by LEGAL, GENERAL FUND, LEGAL and exported on February 11, 2021. Created with OpenGov

PERFORMANCE / WORKLOAD INDICATORS

	ACTUAL FY2019	ESTIMATE FY2020	ACTUAL FY2020	ESTIMATE FY2021	ESTIMATE FY2022
Claims & Lawsuits - Filed	134	125	117	130	125
Claims & Lawsuits - Active	88	85	83	85	80
Claims & Lawsuits - Disposed	61	55	64	50	60
Petitions to Foreclose	33	35	27	30	25
Tax Title Cases in Land Court	16	15	12	15	10
Medical Panel Claims	84	80	81	82	81
Zoning Board Of Appeals Matters	6	7	8	5	6
Appelate Tax Board Matters	3	4	2	3	3
Bankruptcy Cases	15	10	7	12	10
Real Property Leases - Drafted/Reviewed	10	15	8	10	10
Contracts/Agreements/Legal Instruments	157	150	145	150	140
Formal/Informal Legal Opinions	39	65	52	40	40
Warrant Article Review	10	15	13	10	12
Affordable Housing Projects/Closings	8	12	7	7	8
Town Property Damage Recovery	28	25	15	25	20
Miscellaneous Legal Matters	41	35	50	30	40

TOWN OF BROOKLINE FY2022 FINANCIAL PLAN

SECTION VII

CAPITAL IMPROVEMENTS PROGRAM FY2022-FY2027

CAPITAL IMPROVEMENTS PROGRAM

Capital planning and budgeting is a critical undertaking for any government and is "central to economic development, transportation, communication, delivery of other essential services, and environmental management and quality of life", as stated in ICMA's Capital Budgeting: A Guide for Local Governments. In fact, without a sound plan for long-term investment in infrastructure, facilities, and equipment, a local government's ability to accomplish its goals is greatly hindered. Developing a financing plan for capital investments that fits within the overall financial framework of a community is of equal importance, as poor decisions regarding the use of debt can negatively impact a community's financial condition for many years.

In Massachusetts, the preparation of the annual Capital Improvements Program (CIP) is mandated by State statute. Massachusetts General Law Chapter 41 provides that the Planning Board shall annually prepare and submit a CIP. In Brookline's case, Chapter 270 of the Acts of 1985, special legislation known as the "Town Administrator Act", directs the Town Administrator to prepare and recommend an annual financial plan that includes a CIP. The Deputy Town Administrator and the Director of Planning and Community Development co-chair a working group of department heads that reviews and evaluates all project requests. A number of these requests arise from public input received by boards and commissions. A more detailed description of the CIP process can be found below.

The Town has a set of formal CIP policies that define what a capital improvement project is, how projects are evaluated and prioritized, and how the CIP is financed. The complete text of these policies can be found in the Appendix of this Financial Plan. The table on the following page presents the indicators that are to be monitored per the Debt Management Policies portion of the CIP Financing Polices, along with other standard debt measurement variables.

INTRODUCTION

The financial underpinning of the Town's CIP is the policy that states an amount equivalent to 6% of the prior year's net revenue shall be dedicated to the CIP. This key policy places both a floor and a ceiling on the amount of debt supported by the tax levy that can be authorized, thereby limiting the impact on the Operating Budget. The goal is to have the 6% consist of both a debt-financed component and a revenue (or "pay-as-you-go") component, with 4.5% for debt-financed CIP and 1.5% for pay-as-you-go CIP.

In addition to the 6% policy, there is a Free Cash Policy, also included in the Appendix of this Financial Plan, that dedicates an amount of this revenue source to the CIP so that total CIP funding reaches 7.5% of prior year net revenue. In summary, the policy prioritizes the use of Free Cash so that (1) an annual Operating Budget Reserve is supported, (2) overall Fund Balance levels are maintained, (3) the Catastrophe and Liability Fund is maintained at recommended funding levels, and (4) the CIP reaches the 7.5% level*. This important funding source allows for the expansion of the pay-as-you-go

component of the CIP. Without Free Cash, the Town would be unable to fund many of the projects being recommended. Lastly, from time to time, one-time revenues will be used to augment the CIP, such as the re-appropriation of surpluses from prior year CIP appropriations.

** The Free Cash policy also calls for a.) supporting the Affordable Housing Trust Fund under certain circumstances and b.) supporting other trust funds related to fringe benefits and unfunded liabilities related to employee benefits, if available.*

	VARIABLE	FY21	FY22	FY23	FY24	FY25	FY26	FY27
	Legal Limit for Outstanding Debt = 5% of Equalized Valuation (EQV)							
	EQV for 1/1/20 = $28.148 billion. Assume 2.5% annual growth. (In billions)	$28.852	$29.573	$30.312	$31.070	$31.847	$32.643	$33.459
	Outstanding Debt as a % of EQV	1.8%	1.7%	1.6%	1.6%	1.5%	1.4%	1.3%
	General Fund Outstanding Debt as a % of EQV	1.7%	1.6%	1.6%	1.5%	1.4%	1.3%	1.2%
	Net General Fund Outstanding Debt as a % of EQV	1.7%	1.6%	1.6%	1.5%	1.4%	1.3%	1.2%
	Total Outstanding Debt (in millions)	$507.3	$492.3	$497.5	$481.7	$467.9	$448.7	$424.5
	General Fund Outstanding Debt (in millions)	$493.1	$477.4	$484.1	$469.8	$457.8	$440.3	$417.8
	Net General Fund Outstanding Debt (in millions)	$492.8	$477.4	$484.1	$469.8	$457.8	$440.3	$417.8
	Total Debt Service (in millions)	$38.8	$38.8	$40.0	$39.8	$39.8	$39.8	$39.4
	General Fund Debt Service (in millions)	$37.2	$37.0	$37.9	$37.7	$37.8	$38.0	$37.8
	Net General Fund Debt Service (in millions)	$37.2	$36.5	$37.9	$37.7	$37.8	$38.0	$37.8
	Total Debt Service Per Capita	$660	$660	$681	$678	$678	$678	$671
	General Fund Debt Service Per Capita	$633	$629	$645	$642	$644	$648	$643
	Net General Fund Debt Service Per Capita	$633	$622	$645	$642	$644	$648	$643
	Total Debt Service as a % of Revenue	7.2%	11.6%	11.4%	11.5%	11.1%	10.8%	10.5%
	General Fund Debt Service as a % of General Fund Revenue	6.8%	11.2%	10.9%	10.9%	10.5%	10.3%	10.1%
	Net General Fund Debt Service as a % of General Fund Revenue	6.7%	11.2%	10.8%	10.9%	10.5%	10.3%	10.1%
A.	Total Outstanding Debt Per Capita as a % of Per Capita Income	12.1%	11.7%	11.8%	11.5%	11.1%	10.7%	10.1%
	General Fund Outstanding Debt Per Capita as a % of Per Capita Income	11.7%	11.4%	11.5%	11.2%	10.9%	10.5%	9.9%
	General Fund Outstanding Debt Per Capita as a % of Per Capita Income (non-debt exclusion)	3.2%	3.0%	2.9%	2.8%	2.8%	2.6%	2.3%
	Net General Fund Outstanding Debt Per Capita as a % of Per Capita Income	11.7%	11.4%	11.5%	11.2%	10.9%	10.5%	9.9%
B.	Total Outstanding Debt Per Capita	$8,637	$8,382	$8,470	$8,202	$7,967	$7,639	$7,228
	General Fund Outstanding Debt Per Capita	$8,396	$8,129	$8,242	$7,999	$7,795	$7,497	$7,113
	General Fund Outstanding Debt Per Capita (non-debt exclusion)	$2,273	$2,160	$2,070	$1,998	$1,975	$1,864	$1,677
	Net General Fund Outstanding Debt Per Capita	$8,391	$8,129	$8,242	$7,999	$7,795	$7,497	$7,113
C.	Total Outstanding Debt as a % of Assessed Value (AV)	1.9%	1.9%	1.9%	1.8%	1.8%	1.7%	1.6%
	General Fund Outstanding Debt as a % of Assessed Value (AV)	1.9%	1.8%	1.8%	1.8%	1.7%	1.7%	1.6%
	Net General Fund Outstanding Debt as a % of Assessed Value (AV)	1.9%	1.8%	1.8%	1.8%	1.7%	1.7%	1.6%
D.	Total Net Direct Debt Maturing Within 10 Years (non-debt exclusion)	74%	76%	78%	80%	81%	83%	84%
E.	CIP Financing as a % of Prior Year's Net Revenue	4.55%	6.00%	6.00%	6.00%	6.00%	6.00%	6.00%
	Debt-Financed CIP as a % of Prior Year's Net Revenue	4.21%	5.36%	5.03%	4.81%	4.72%	4.64%	4.51%
	Revenue-Financed CIP as a % of Prior Year's Net Revenue	0.34%	0.64%	0.97%	1.19%	1.28%	1.36%	1.49%

Town Policies

A. Total Outstanding Debt Per Capita = shall not exceed 6% of Per Capita Income.
B. Total Outstanding Debt Per Capita = shall not exceed $2,706 (for FY20).
C. Total Outstanding Debt = shall not exceed 2.5% of Assessed Value (AV).
D. Bond Maturities = 60% of Net Direct General Fund principal shall mature within 10 years.
E. CIP Financing = 6% of Prior Year's Net Revenue, with a goal of 4.5% from Debt-Financed and 1.5% from Revenue-Financed.

Another key CIP financing policy is that both the Water and Sewer Enterprise Fund and the Golf Course Enterprise Fund cover 100% of their debt service. When additional capital work to the water and sewer infrastructure or to the golf course is requested, the impact debt service has on those enterprise funds is taken into consideration. Since they are both 100% cost recovery funds, any growth in debt service may well necessitate increases in fees. Therefore, the decision to authorize additional debt is made carefully.

The table below details how much funding is made available for the CIP, exclusive of enterprise fund-supported debt and projects funded from non-Town sources (e.g., grants):

	2022	2023	2024	2025	2026	2027
Total General Fund Revenue	332,967,153	338,803,414	347,210,082	357,495,956	367,667,175	377,585,243
LESS:						
Non Appropriations	8,945,933	9,158,071	9,375,513	9,598,391	9,826,841	10,061,002
Debt Exclusions	21,741,342	23,245,856	23,242,106	23,248,856	23,249,856	23,249,606
Free Cash	10,401,890	5,500,000	5,075,000	5,275,000	5,275,000	5,275,000
Net Revenue	291,877,988	300,899,487	309,517,464	319,373,710	329,315,479	338,999,636
Prior Year Net Revenue	282,901,306	291,877,988	300,899,487	309,517,464	319,373,710	329,315,479
6% CIP FUNDING POLICY						
Net Debt Financed [1]	15,163,050	14,592,433	14,393,743	14,514,639	14,724,173	14,779,675
Net Debt Financed as a % of Prior Yr Net Rev	5.36%	5.00%	4.78%	4.69%	4.61%	4.49%
Revenue Financed	1,810,412	2,920,247	3,660,226	4,056,409	4,438,250	4,979,253
Revenue Financed as a % of Prior Yr Net Rev	0.64%	1.00%	1.22%	1.31%	1.39%	1.51%
SUB-TOTAL 6% Dedicated to CIP	**16,973,462**	**17,512,679**	**18,053,969**	**18,571,048**	**19,162,423**	**19,758,929**
Free Cash for CIP	4,839,894	4,298,209	4,569,087	4,697,609	3,829,687	4,764,734
Capital Project Surplus -- Re-approp. of Funds	0	0	0	0	0	0
Other Funds	480,000	0	0	0	0	0
FUNDS AVAILABLE FOR CIP THROUGH GEN. FUND WITHIN TAX LEVY	**22,293,356**	**21,810,888**	**22,623,056**	**23,268,656**	**22,992,110**	**24,523,663**
As % of Prior Yr Net Rev	**7.9%**	**7.5%**	**7.5%**	**7.5%**	**7.2%**	**7.4%**
Debt Exclusions	21,741,342	23,245,856	23,242,106	23,248,856	23,249,856	23,249,606
TOTAL FUNDS AVAILABLE FOR CIP THROUGH GEN. FUND	**44,034,698**	**45,056,743**	**45,865,161**	**46,517,512**	**46,241,965**	**47,773,268**
As % of Prior Yr Net Rev	**15.6%**	**15.4%**	**15.2%**	**15.0%**	**14.5%**	**14.5%**

[1] As defined in the CIP Policies, "Net Debt" is total debt service exclusive of debt service related to a Debt Exclusion and debt service funded by enterprise fund revenues.

BROOKLINE'S CIP PROCESS

The preparation of the annual CIP is mandated by statute: MGL Chapter 41 provides that the Planning Board shall prepare and submit a CIP. In Brookline's case, Chapter 270 of the Acts of 1985, special legislation known as the "Town Administrator Act", directs the Town Administrator to prepare and recommend an annual financial plan that includes a CIP. The annual process for Brookline begins with the submission of project requests by departments, which in many cases are the result of various board/commission (Park and Recreation Commission, Library Trustees, etc.) public hearings.

The requests are then reviewed by a working group that is co-chaired by the Deputy Town Administrator and the Director of the Department of Planning and Community Development and is comprised of all department heads that have requested projects. After reviewing all project requests, a Preliminary CIP is recommended to the Town Administrator, who then presents it to the Select Board as part of a public hearing on the Town's Operating and Capital budgets, normally held in December. The Town Administrator's Preliminary CIP is then reviewed by the Capital Sub-Committee of the Advisory Committee. Any changes to the first year of the CIP are factored into the budget that is presented to Town Meeting by the Advisory Committee.

PROPOSED FY2022 – FY2027 CIP

The recommended FY2022 – FY2027 CIP calls for an investment of $156 million, for an average of approximately $26 million per year, and follows the Town's CIP and Free Cash policies for projects inside the levy limit. This continues the Town's commitment to prevent the decline of its infrastructure, upgrade its facilities, improve its physical appearance, and invest in opportunities that positively impact the Operating Budget. Over the last 10 years (FY12 - FY21), the Town has authorized expenditures of $665 million, for an average of $67 million per year. These efforts, which have been supported by the Select Board, the Advisory Committee, Town Meeting, and, ultimately, the taxpayers of Brookline, have helped address a backlog of capital projects. This has allowed for the creation of additional classroom spaces necessitated by the surge in enrollment, dramatically improved the Town's physical assets, and have helped yield savings in the Operating Budget through investments in technology and energy efficiency.

On September 26, 2019, the School Committee unanimously approved moving forward with the Long-Term Capital Plan to address Brookline's overcrowded schools, substandard facilities, and historic enrollment growth over the past ten years. Through this plan, the district will renovate and expand the Pierce School through the Massachusetts School Building Authority (MSBA) partnership, and renovate and expand the Driscoll School. At the December 10, 2019 special election, Brookline voters approved a

debt exclusion override to fund the development of a new Driscoll School. This CIP does not include an estimate for the Pierce School project beyond the feasibility/schematic design phase, but a Debt Exclusion Override is also assumed for this project.

It was a challenge to develop a balanced CIP that continues to reflect the various priorities of the Town, while simultaneously addressing the overcrowding issue in the schools. As a result the Town is in the midst of construction for the High School renovation and expansion project as well the Driscoll School project. The Town was informed in December, 2018 that the MSBA invited the Pierce School into the eligibility period. The Classroom Capacity item in FY2022 and beyond covers the leases at the temples, and 2 Clark Road. The FY2022 – 2027 budgets assume continuation of those lease arrangements.

On December 14, 2018, Newbury College announced that it would cease operations in May 2019. The former Newbury College campus, located in the Fisher Hill neighborhood, was recently sold to Welltower, a leading developer of senior housing facilities. Welltower is redeveloping the eastern portion of the former Newbury College campus into a continuing care facility that would include independent living units, assisted living units, and memory care units for seniors. The Town acquired the west side of the former Newbury College Campus, which was approved as a debt exclusion in November, 2020. The Town intends to use the existing Academic Building for municipal and/or school uses on a temporary basis. During this time, the Town will undertake an extensive and comprehensive planning process including robust public participation to identify a permanent use of the property that responds to municipal/school needs and respects the neighborhood context in which the property is located.

A few years ago, a study was made of the conditions of the fire stations and what was needed to maintain the integrity of the floors and building in regard to the newer, larger fire equipment. Fire Station Renovation work outlined in the report included flooring, shoring, beams, columns, and structural work. The report also included recommendations for the HVAC systems, generators, lighting, life safety, and mechanical, electrical, plumbing (MEP), along with other peripheral systems. In FY2012, $650K was appropriated to undertake the Structural component. The next phase for implementation was the Life Safety component, which was funded between FY2013 – FY2015 ($890K).

In addition, the Fire Chief has requested additional funding for industrial cleaning and reconfiguration of spaces to mitigate potential hazards in the stations. The project would include industrial cleaning of all non-porous surfaces and all duct work, painting of all walls and ceilings (hard surfaces), replacement of all acoustic/porous ceiling tiles, replacement of all window treatments, replacement of all (soft) furniture in living areas, replacement of all beds and mattresses and the replacement of any fabric partitions.

This large-scale endeavor would be completed over the course of 5-7 years at an estimated cost of $21.3 million dollars with an average cost of $4.3 million/per station, likely necessitating a debt-exclusion from the Town residents. For comparison, new stations being built in the greater Metropolitan Boston area by other departments average $20-$25 million/station. As mentioned, consideration should be given to the replacement (on site) of at least one station (Station 5/ Babcock St).

The Washington Street Project involves the rehabilitation of 1.3 miles of Washington Street and associated intersections from Station Street (Brookline Village) northerly up to and including its intersection with Beacon Street (Washington Square). This critical arterial roadway is in poor condition, serves as an important connection between Route 9/Boylston Street and Beacon Street which is utilized by high volumes of drivers, pedestrians, and bicyclists alike and provides access to 3 commercial districts, public safety facilities, County Court House, and other Town government services including the Library and Town Hall.). It is anticipated that the Town would be eligible for Federal and/or State funding for the project, currently estimated at $26 million for construction. The Town funding share is currently estimated at $5 million spread over several years to include preliminary design, public participation, right of way approvals, engineering bid documents, construction oversight, project management, funding assistance, implementation and Town preferred betterments.

Even with the pressure placed on the CIP by the School overcrowding issue; this Preliminary CIP continues the Town's commitment to upgrading its parks, playgrounds, and other open spaces. There is $23.4M of specific park projects included, as shown in the table below:

CC		Total	Prior Year (FY21)	FY2022		FY2023		FY2024		FY2025		FY2026		FY2027		Future Years	
				Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC
	Parks and Playgrounds																
	Amory tennis courts, Parking and Halls Po	2,400,000								2,400,000	B						
	Fisher Hill Gatehouse Safety and Structura	425,000												425,000	A		
	Larz Anderson Park	15,000,000	2,200,000					2,500,000	B	1,000,000	B	3,500,000	B			5,800,000	B
	Murphy Playground	915,000		**915,000**	**B**												
	Riverway Park	625,000														625,000	A
	Robinson Playground	1,150,000		**1,150,000**	**B**												
	Schick Playground	1,320,000				1,320,000	B										
	Boylston St. Playground	1,600,000						1,600,000	B								
	Griggs Park	1,680,000								220,000	A	1,460,000	B				
	Soule Athletic Fields	4,510,000												410,000	A	4,100,000	B
	Skyline Park Turf replacement and Park Ir	2,760,000						360,000	A	2,400,000	B						
	Monmouth Park	1,290,000										90,000	A	600,000	A	600,000	A
	New Lincoln School Grounds	2,200,000														2,200,000	B
	Heath School Grounds	2,750,000														2,750,000	B
	Baker School Grounds	2,960,000														2,960,000	B
	Longwood Playground/Lawrence Schooo	2,400,000														2,400,000	B
	Willow Pond Environmental Restoration	3,080,000		**280,000**	**F**	2,800,000	B										

In addition to the 6% financing policy, Free Cash, CDBG, and State/Federal grants are the other key components of the overall financing strategy of the CIP. The Town's certified Free Cash for the fiscal year ending June 30, 2020 was $13 million. The proposed allocation of Free Cash used throughout this Financial Plan follows the Town's formal Free Cash policy, which results in the following use of these funds:

Free Cash Certification	**$13,001,890**
1. Operating Budget Reserve	$1,707,253
2. Unreserved Fund Balance/Stabilization Fund	$5,429,788
3. Liability Reserve (to get fund to 1% of Prior Yr Net Revenue)	$81,223
4. Capital Improvements (to get to 7.5% of Prior Yr Net Revenue)	$4,382,386
5. Prior Year HCA surplus	$862,996
6. Affordable Housing Trust Fund (since Fund Balance below $5M	$80,736
Sub-Total	$12,544,383
Amt available for Special Use (#6)	$457,507
7. Special Use:	
Additional CIP	$457,507

By following these policies, $4,382,386 of Free Cash is used to get from 6% of prior year net revenue to 7.5%. Then an additional $457,507 is allocated to the CIP to help balance it. In total, $ 4,839,894 of Free Cash goes toward the CIP, as recommended.

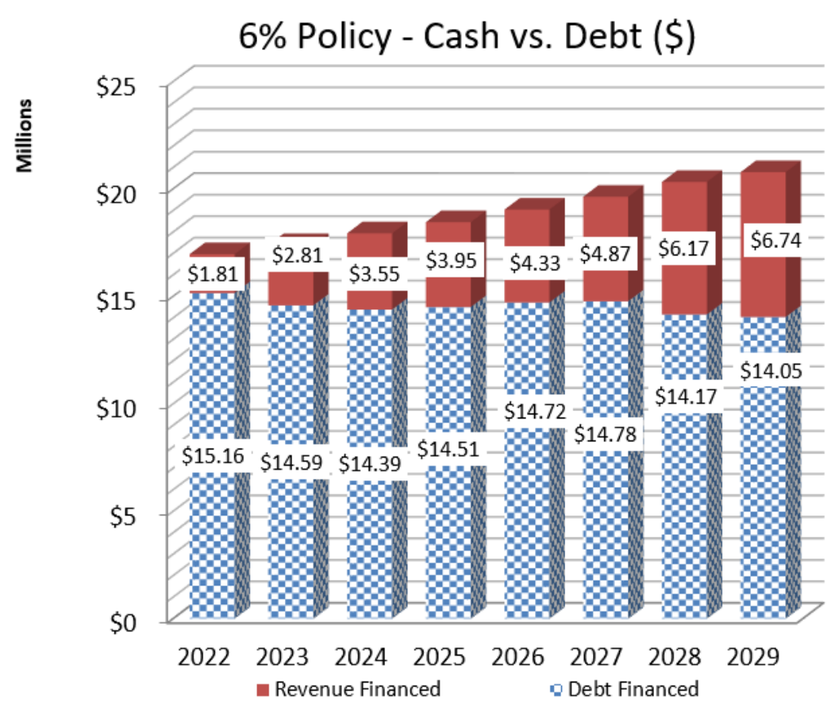
MAJOR PROJECTS

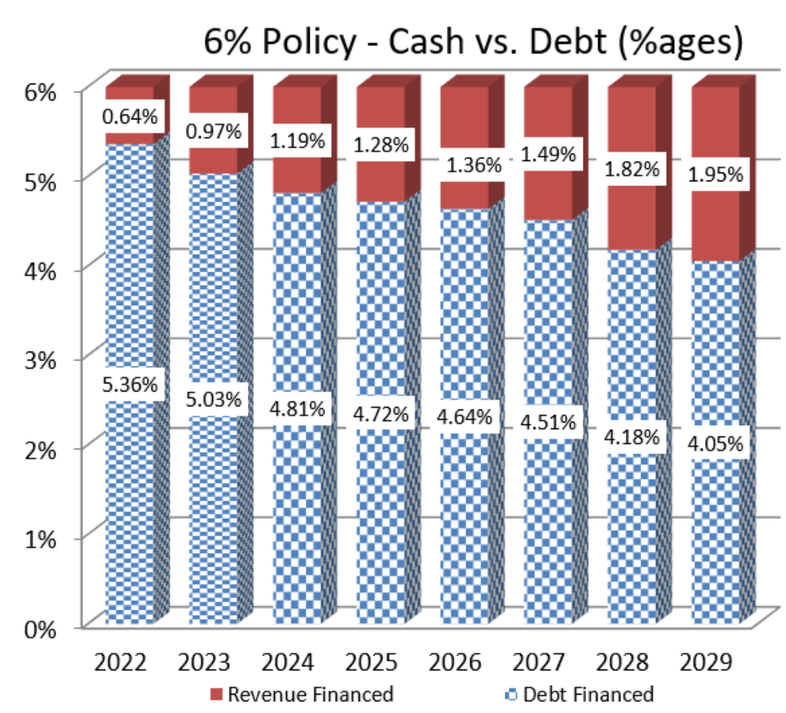
Pierce School- Partnership with MSBA Construction budget TBD
Washington St. Rehab and Complete Streets Project - $31M (FY22-26)
Larz Anderson - $12.8M (FY22-25, Future Years)
Classroom Capacity - $10.5M (FY22-FY27)
Hammond/Woodland Traffic Signal / Road Diet – $1.5M (FY25)
Skyline Park $2.76M (FY24-25)
Amory tennis courts, Parking and Halls Pond $2.4M (FY25)
Fire Station Renovations - $21.3M (FY22) debt exclusion

Public Building Fire Alarm upgrades - $1.4M (FY22-27)
Fire Department's Engine #1 Replacement - $800K (FY23)

CONTINUED MAJOR INVESTMENT
Parks & Open Space - $4.6M (non-project specific investment)
Street & Sidewalk Rehab - $20.3M
Water & Sewer Infrastructure - $23M -- enterprise fund
Tree Replacement - $1.5M
Energy Conservation - $1.1M

Prior Financial Plans spoke to the "tightness" of the CIP, resulting primarily from the costs associated with addressing the increasing school enrollment and the debt service for the Coolidge Corner School and High School projects. The lease for 2 Clark Road also limits cash funded projects. The graphs below show the split between revenue-financed and debt-financed CIP based on the plan outlined above. As the graphs show, the split between cash and debt becomes tight when debt service for the High School sets in during FY2022. This will continue to be a challenge as we address the School building issues within the CIP, and it potentially places some of the regular programs funded in the CIP at risk.





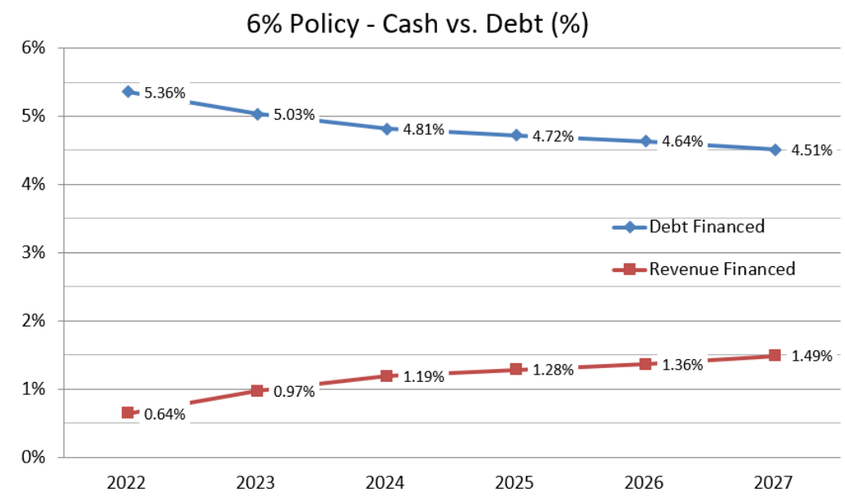
The table below details the funding sources for each year of the Proposed CIP.

GRAND TOTAL BY SOURCE (in millions)

	FY22	FY23	FY24	FY25	FY26	FY27	TOTAL	% OF TOTAL
Property Tax	$2.29	$2.66	$3.31	$3.71	$3.54	$4.93	**$20.43**	**13.1%**
Free Cash	$4.84	$4.30	$4.57	$4.70	$3.83	$4.76	**$27.00**	**17.3%**
General Fund Bond	$2.82	$5.57	$6.43	$9.35	$7.16	$0.00	**$31.32**	**20.0%**
State / Federal Grants	$1.16	$1.16	$1.16	$1.16	$27.16	$1.16	**$32.96**	**21.1%**
Debt Exclusion Override	$21.28	$0.00	$0.00	$0.00	$0.00	$0.00	**$21.28**	**13.6%**
Utility Budget (Ent. Fund)	$0.96	$0.40	$0.00	$0.00	$0.00	$0.00	**$1.36**	**0.9%**
Utility Bond (Water/Sewer Ent. Fund)	$5.00	$5.00	$3.00	$3.00	$3.00	$3.00	**$22.00**	**14.1%**
Other	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$0.00**	**0.0%**
TOTAL	**$38.34**	**$19.09**	**$18.46**	**$21.92**	**$44.69**	**$13.85**	**$156.35**	**100%**

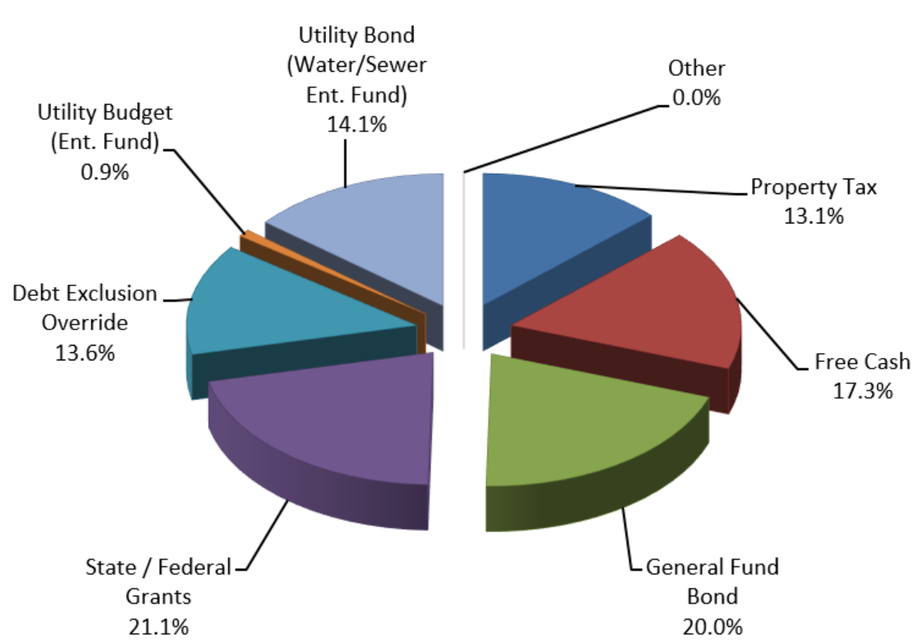
Given the reliance on more than $31 million of bonds supported by the General Fund within the

tax levy there is an impact on the Town's operating budget. However, because the CIP complies with the Town's CIP Financing Policies, the impact on the debt service budget is offset by a decrease in the tax-financed component. As the portion of the 6% that is utilized for borrowing increases or decreases, the portion supported by the tax-financed monies moves in the opposite direction. The graph to the right shows how the 6% is apportioned between debt-financed and pay-as-you-go for each of the six years of the Proposed CIP.

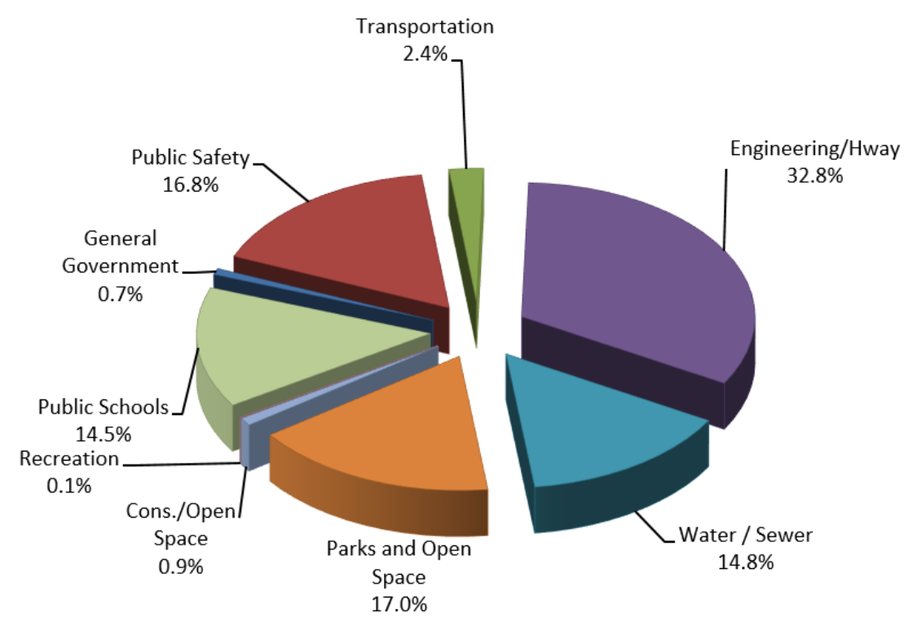


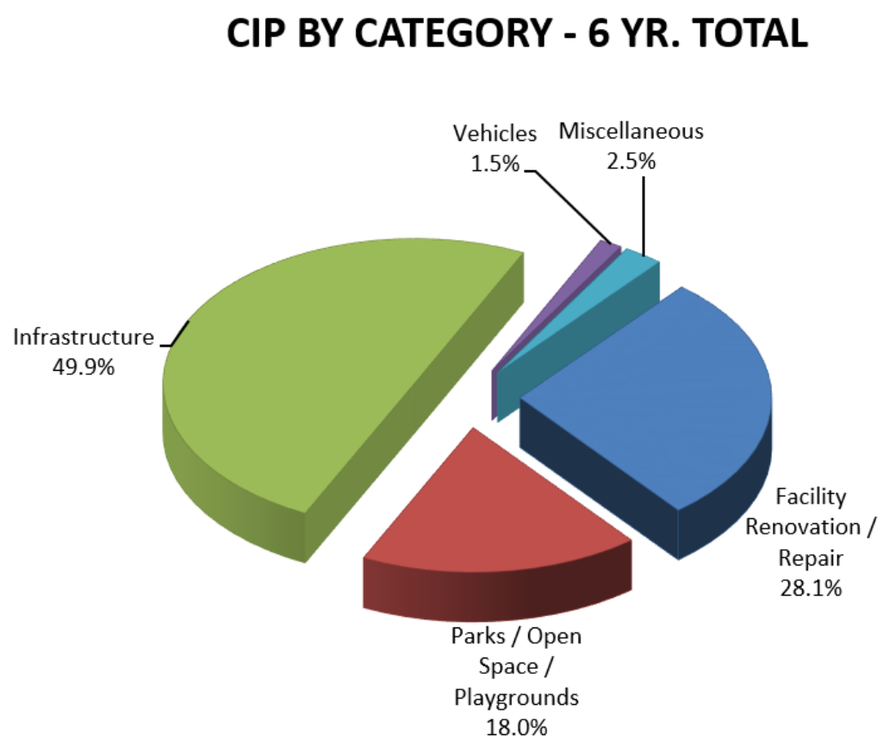
The graphs below and on the following page summarize the FY22 – FY27 CIP by revenue source, by category, and by allocation group. As shown in the graph on the left side, 20% of the six-year CIP is funded from a General Fund bonds, 17% is funded by free cash, and 13% is funded via property tax. The graph on the right breaks out the six-year CIP by allocation group and shows that 14.5% is for Schools, 17% is for Parks / Playgrounds, and 32.8% is for Engineering / Highway. The final graph breaks out the CIP by category: 28.1% of the CIP goes toward facility renovations / repairs, 49.9% for infrastructure repairs (streets, sidewalks, water and sewer system), and 18% for Parks / Open Space / Playgrounds.

CIP FUNDING BY SOURCE - 6 YR. TOTAL



CIP BY ALLOCATION - 6 YR. TOTAL





It is important to note that the recommendations contained in this CIP are based upon current best estimates of future revenues, future project costs, and future outside funding assistance. The amount of Free Cash available for the CIP can fluctuate dramatically from year to year. Also, budget reductions at the Federal and State levels could require cutbacks in the recommended program for future years. The CIP recommendations would have to be revisited should the actual amount of available funding be less than anticipated and / or the project costs are greater than anticipated.

DEBT & DEBT SERVICE

This portion of Section VII is dedicated to the role debt plays in the CIP and its relationship to the Operating Budget. For all entities, both public and private, debt financing is a primary method of financing large capital projects, as it enables projects to be undertaken now with the costs spread out over a period of years. However, if used in an imprudent and / or poorly constructed manner, debt can have a disastrous impact on the Operating Budget and negatively impact the level and quality of services a municipality can deliver. This is why the Town's CIP Financing Policies are a vital component of the Town's overall Financial Planning guidelines. A well planned and properly devised debt management plan is critical to maintaining the Town's positive financial condition and to maintaining the Town's much-valued Aaa bond rating.

The bond authorization process is laid out in Massachusetts General Laws (MGL), specifically Chapter 44, Sections 7 and 8. General Obligation (GO) Bonds are secured by a pledge of revenues through property taxes and are authorized by Town Meeting via a 2/3's vote. Bond Anticipation Notes (BANs) can be utilized prior to the permanent issuance of bonds and are included as part of the Town's 6% funding policy. The Town's credit was most recently reviewed on March 5, 2020 by Moody's and the Town maintained its Aaa rating. Among the reasons stated by Moody's for the Aaa rating were “the history of balanced operations, maintenance of adequate reserve levels, and commitment to addressing capital needs and long-term liabilities.”

Chapter 44, Section 10 limits the authorized indebtedness to 5% of the Town's equalized valuation (EQV). The Town's most recent EQV, approved by the State as of 1/1/2018, is $24.548 billion. Therefore, the Town's debt limit is $1.227 billion. Obviously, the Town has no plans to come near this limit.

Debt can be broken into "exempt debt" and "non-exempt debt". Exempt debt is paid for outside of the property tax levy limit of Proposition 2 1/2. Stated another way, it is paid for with taxes raised outside of the property tax limit. In order to have exempt debt, a Debt Exclusion Override is required, and that can only be approved by the local electorate. Non-Exempt debt, or "within-levy debt", must be raised and paid for within the property tax levy. In Brookline, three projects are funded with exempt debt: a portion of the Florida Ruffin Ridley (formerly know as the Edward Devotion or Coolidge Corner School) ($49.6 million estimated pending final MSBA reimbursement) the 2018 High School expansion/renovation project ($168.2 million) and the Driscoll School project (.

Debt is issued on behalf of the Water and Sewer Enterprise Fund and the Golf Course Enterprise Fund. The tax levy does not fund any enterprise fund debt. As previously mentioned, they are 100% cost recovery funds, so they pay for their debt service through their own revenue streams. The table below breaks out outstanding debt by fund, with exempt and non-exempt debt of the General Fund separated,

for each of the past six years. Looking at FY20, this shows that the Town's total outstanding debt was $473.3 million, of which $11 million was owed by either the State ($576K) or enterprise funds ($10.5 million), leaving $462 million of outstanding debt. The increase in FY19 was due to the High School project.

OUTSTANDING DEBT

DESCRIPTION	FY15	FY16	FY17	FY18	FY19	FY20
Total General Fund Outstanding Debt	**60,077,544**	**67,179,500**	**97,935,250**	**186,202,696**	**363,140,697**	**462,828,377**
a.) Exempt (Debt Exclusion) [1]	4,590,000	3,670,000	2,750,000	67,806,000	222,115,030	326,338,942
b.) Non-Exempt	55,487,544	63,509,500	95,185,250	118,396,696	141,025,667	136,489,435
Minus State (SBA) Reimbursed Debt [2]	2,056,310	1,756,800	1,457,900	1,162,050	866,200	576,450
Net General Fund Outstanding Debt	58,021,234	65,422,700	96,477,350	185,040,646	362,274,497	462,251,927
Water & Sewer Enterprise Fund Outstanding Debt	9,050,072	7,920,156	6,961,446	7,961,446	7,230,756	8,564,528
Golf Course Enterprise Fund Outstanding Debt	1,149,000	995,000	1,325,000	2,110,000	2,000,000	1,896,490
Enterprise Fund Outstanding Debt	**10,199,072**	**8,915,156**	**8,286,446**	**10,071,446**	**9,230,756**	**10,461,018**
TOTAL Outstanding Debt	**70,276,616**	**76,094,656**	**106,221,696**	**196,274,142**	**372,371,453**	**473,289,395**

[1] The Florida Ruffin Ridley, and High School projects were financed via a Debt Exclusion.

[2] The following school projects were reimbursed by the State: Baker, and Heath.

The projected level of outstanding debt based upon the Proposed CIP is shown below. The increase in FY21 is due to the Driscoll School project. Also, there is a graph at the end of this section that shows both a history and a projection of outstanding debt. The Pierce School has not been included in the debt exclusion projection. Debt exclusion projects push Brookline beyond the bounds of the Town's fiscal debt management targets. Projects funded within the levy limit comply with the Town's fiscal policies.

OUTSTANDING DEBT (PROJECTED)

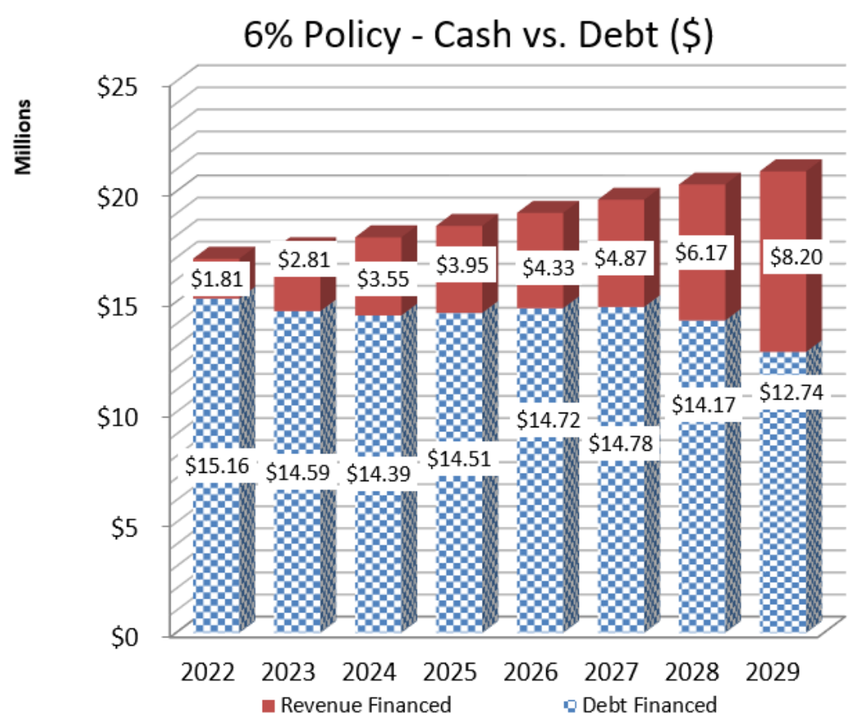
DESCRIPTION	FY21	FY22	FY23	FY24	FY25	FY26	FY27
Total General Fund Outstanding Debt	**493,111,060**	**477,428,277**	**484,087,197**	**469,785,315**	**457,830,904**	**440,325,702**	**417,768,732**
a.) Exempt (Debt Exclusion) [1]	359,612,060	350,591,610	362,530,363	352,416,982	341,858,571	330,824,369	319,298,399
b.) Non-Exempt	133,499,000	126,836,667	121,556,833	117,368,333	115,972,333	109,501,333	98,470,333
Minus State (SBA) Reimbursed Debt [2]	286,700	0	0	0	0	0	
Net General Fund Outstanding Debt	492,824,360	477,428,277	484,087,197	469,785,315	457,830,904	440,325,702	417,768,732
Water & Sewer Enterprise Fund Outstanding Debt	12,382,400	13,170,585	11,776,600	10,442,615	8,723,630	7,104,645	5,638,950
Golf Course Enterprise Fund Outstanding Debt	1,790,000	1,695,000	1,595,000	1,490,500	1,373,500	1,244,000	1,114,500
Enterprise Fund Outstanding Debt	**14,172,400**	**14,865,585**	**13,371,600**	**11,933,115**	**10,097,130**	**8,348,645**	**6,753,450**
TOTAL Outstanding Debt[3]	**507,283,460**	**492,293,862**	**497,458,797**	**481,718,430**	**467,928,034**	**448,674,347**	**424,522,182**

[1] The Florida Ruffin Ridley, High School, and Driscoll School projects were financed via a Debt Exclusion.

[2] The Baker (through FY22) school projects is being reimbursed by the State.

Once debt is incurred, an amount must be set aside annually to fund the principal and interest payments, known as Debt Service. As previously noted, if debt is used in an imprudent and / or poorly constructed manner, it can have a negative impact on the Operating Budget. This is because of debt service: debt service takes away funding that would otherwise be available for other areas of the Operating Budget. If decision makers are not made aware of the impact debt service has on the Operating Budget (via long-range forecasting), then the authorization of debt is being made in a vacuum. Governmental bodies can cripple their finances if bonds are authorized and issued without a full understanding of the impact they have on the overall finances of the entity.

In Brookline, both the Long Range Financial Plan and the planning process for the CIP clearly show decision makers the impact debt service has on the Operating Budget. Since the Town's CIP Financing Policies set a limit on the overall amount of debt that can be issued -- basically the 6% policy plus the other debt management variables that are to be measured -- the impact on the Operating Budget is both known and within an expected range.



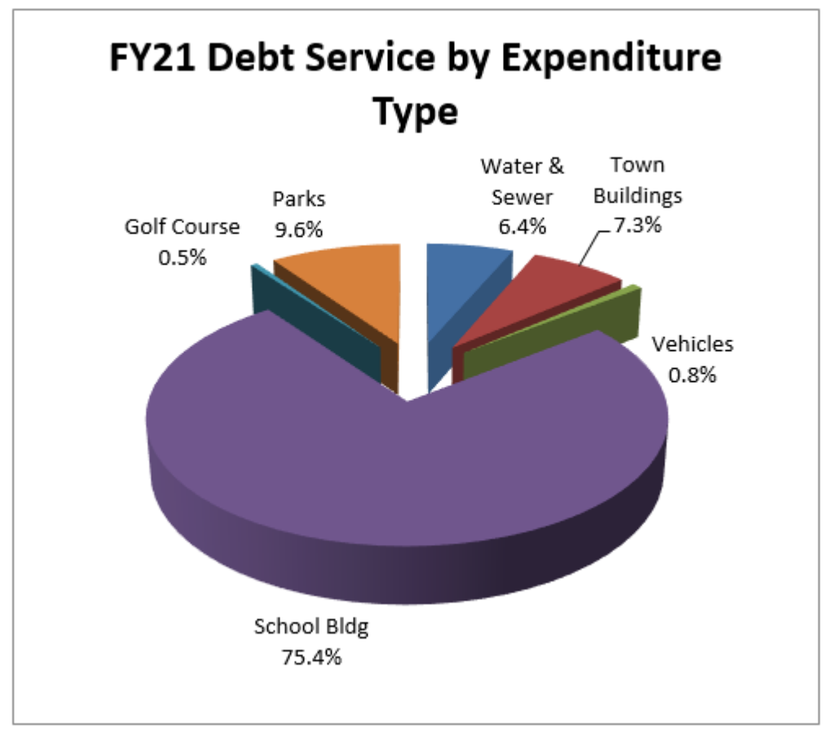
The graph to the left illustrates how the Town's 6% policy works. In each year, the amount available for the CIP is 6% of the prior year's net revenue. This amount represents the total impact on the Operating Budget. For FY22, $16.7 million is dedicated to the CIP ($12.3 million for net debt service and $4.5 million for pay-as-you-go), and, therefore, unavailable for the operating budget. The graph also shows the balance between pay-as-you-go-CIP and debt-financed CIP: as debt service increases, pay-as-you go capacity decreases, and vice versa. This is clearly shown in FY23, when the large increase in debt service (resulting from the BHS project coming on-line) reduces the pay-as-you-go portion of the CIP.

Once debt is incurred, an amount must be set aside annually to fund the principal and interest payments, known as Debt Service. As previously noted, if debt is used in an imprudent and / or poorly constructed manner, it can have a negative impact on the Operating Budget. This is because of debt service: debt service takes away funding that would otherwise be available for other areas of the Operating Budget. If decision makers are not made aware of the impact debt service has on the Operating Budget (via long-range forecasting), then the authorization of debt is being made in a vacuum. Governmental bodies can cripple their finances if bonds are authorized and issued without a full understanding of the impact they have on the overall finances of the entity.

The graph to the right breaks out existing (FY21) debt service by expenditure type. As it shows, the largest component of debt service is for school buildings, followed by parks and town buildings.

As was previously mentioned, debt is issued on behalf of the Water and Sewer Enterprise Fund and the Golf Course Enterprise Fund. Those debt service costs are budgeted for within both enterprise funds and are covered by enterprise fund revenues. As a result, the tax levy does not

fund any enterprise fund debt service. The table below breaks out debt service by fund, with exempt and non-exempt debt of the General Fund separated, for each of the past six years. Looking at FY21, it shows that the Town's total debt service was $26.9 million, of which $2.3 million (8.5%) was reimbursed by either the State ($434,662) or Enterprise funds ($1.8 million), leaving $24.6 million of debt service.

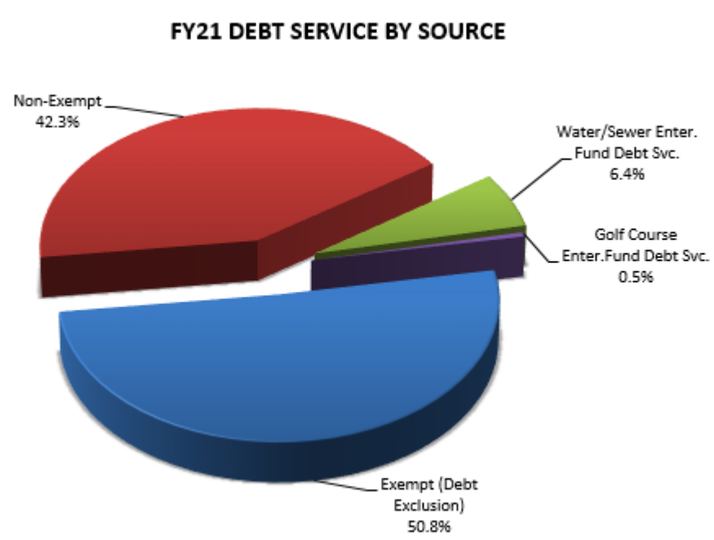


DEBT SERVICE

DESCRIPTION	FY15	FY16	FY17	FY18	FY19	FY20	FY21
Total General Fund Supported Debt Service	9,389,799	9,270,546	10,240,902	12,621,350	15,421,011	17,688,668	25,044,625
a.) Exempt (Debt Exclusion) [1]	1,094,400	1,076,000	1,048,400	1,020,800	3,408,089	5,700,171	13,674,000
b.) Non-Exempt	8,295,399	8,194,546	9,192,502	11,600,550	12,012,922	11,988,497	11,370,625
Minus State (SBA) Reimbursed Debt [2]	556,757	556,757	556,757	556,757	556,757	434,662	434,663
Net General Fund Debt Service	8,833,042	8,713,789	9,684,145	12,064,593	14,864,254	17,254,006	24,609,962
Water & Sewer Enterprise Fund Supported Debt Svc.	2,133,405	2,377,747	2,180,990	1,951,733	1,717,460	1,633,557	1,715,921
Golf Course Enterprise Fund Supported Debt Svc.	186,476	191,355	183,475	159,422	140,888	151,873	137,038
Enterprise Fund Debt Service	**2,319,881**	**2,569,102**	**2,364,465**	**2,111,155**	**1,858,347**	**1,785,430**	**1,852,958**
TOTAL Debt Service	**11,709,680**	**11,839,648**	**12,605,366**	**14,732,505**	**17,279,358**	**19,474,097**	**26,897,583**

[1] The Florida Ruffin Ridley School, High School and Driscoll School projects were financed via a Debt Exclusion.

[2] The following school projects were reimbursed by the State under the old SBA program: Heath (through FY19), Baker.



The graph to the left depicts FY21 debt service by source. As it shows, 42.3% of the Town's debt service is covered within the levy while 50.8% is covered outside the levy via Debt Exclusion Overrides. The remaining 6.9% is covered by enterprise fund revenues.

The projected level of debt service based upon the Proposed CIP is shown below.

DEBT SERVICE (PROJECTED)

DESCRIPTION	FY22	FY23	FY24	FY25	FY26	FY27	FY28
Total General Fund Supported Debt Service	36,964,392	37,898,288	37,695,848	37,823,495	38,034,028	37,775,781	37,170,735
a.) Exempt (Debt Exclusion) [1]	21,741,342	23,245,856	23,242,106	23,248,856	23,249,856	23,249,606	23,247,356
b.) Non-Exempt	15,223,050	14,652,433	14,453,743	14,574,639	14,784,173	14,526,175	13,923,379
Minus State (SBA) Reimbursed Debt [2]	434,662	0	0	0	0	0	0
Net General Fund Debt Service	36,529,730	37,898,288	37,695,848	37,823,495	38,034,028	37,775,781	37,170,735
Water & Sewer Enterprise Fund Supported Debt Svc.	1,667,830	1,932,305	1,956,505	1,808,680	1,610,565	1,463,950	1,420,625
Golf Course Enterprise Fund Supported Debt Svc.	138,088	194,438	189,260	184,058	178,799	163,534	163,700
Enterprise Fund Debt Service	**1,805,918**	**2,126,743**	**2,145,765**	**1,992,738**	**1,789,364**	**1,627,484**	**1,584,325**
TOTAL Debt Service	**38,770,310**	**40,025,031**	**39,841,613**	**39,816,232**	**39,823,392**	**39,403,265**	**38,755,060**

1 The Florida Ruffin Ridley School, High School and Driscoll School projects were financed via a Debt Exclusion.

2 The Baker (through FY22) school project is being reimbursed by the State.

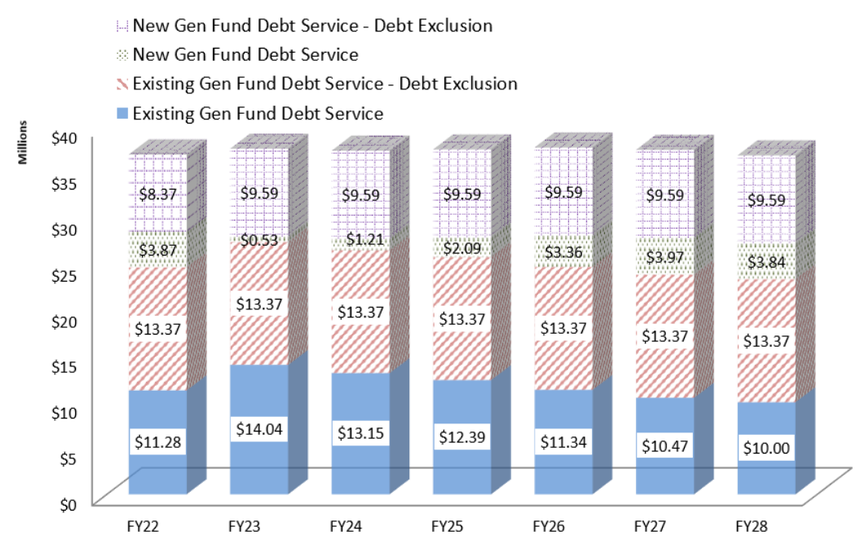
DEBT MANAGEMENT PLAN

Great care has gone into the crafting of the Debt Management Plan for the FY22 – FY27 CIP and is detailed on the following pages. As mentioned at the beginning of this Section VII, this debt management plan results in the Town complying with all of its CIP Financing Policies for projects funded within the levy. The table shows the amount of authorization, the amount to be borrowed, and the number of years planned for paying off the principal (term).

PROJECT	BOND AUTH.	BOND AMT	TERM	2022	2023	2024	2025	2026	2027	2028	2029
Funded Within 6% CIP Policy											
Pierce School Feas. / Schematic Design	$2.000	$2.00	10	$0.250	$0.245	$0.240	$0.235	$0.230	$0.225	$0.220	$0.215
Oak Street Condos	$4.700	$4.70	25	$0.353	$0.346	$0.339	$0.333	$0.326	$0.320	$0.313	$0.306
Roof Repairs/Replacements (previously authorized)	$3.300	$3.10	15	$0.236	$0.232	$0.228	$0.223	$0.219	$0.214	$0.210	$0.206
Larz Anderson Park (previously authorized)	$2.200	$2.20	10	$0.275	$0.270	$0.264	$0.259	$0.253	$0.248	$0.242	$0.237
High School Addition (previously authorized)	$35.0	$35.0	25	$2.625	$2.576	$2.527	$2.478	$2.429	$2.380	$2.331	$2.282
Harry Downes/Kraft Athletic Facility(previously authorized)	$2.450	$0.35	10	$0.038	$0.037	$0.036	$0.035	$0.035	$0.034	$0.033	$0.032
Envelope/Fenestration Repairs (previously authorized)	$2.100	$0.77	10	$0.096	$0.094	$0.092	$0.090	$0.089	$0.087	$0.085	$0.083
Robinson Playground (future authorization)	$1.150	$1.15	10		$0.164	$0.159	$0.154	$0.149	$0.144	$0.139	$0.135
Murphy Playground (future authorization)	$0.915	$0.92	10		$0.130	$0.126	$0.123	$0.119	$0.115	$0.111	$0.107
Envelope/Fenestration Repairs (future authorization)	$0.750	$0.75	10		$0.107	$0.104	$0.101	$0.097	$0.094	$0.091	$0.088
Roof Rep/Repl (future authorization)	$1.000	$1.00	10		$0.125	$0.123	$0.120	$0.118	$0.115	$0.113	$0.110
Willow Pond Remediation (future authorization)	$2.800	$2.80	15			$0.313	$0.304	$0.296	$0.287	$0.279	$0.271
Schick Park (future authorization)	$1.320	$1.32	10			$0.188	$0.182	$0.177	$0.171	$0.166	$0.160
Roof Rep/Repl (future authorization)	$0.650	$0.65	10			$0.093	$0.090	$0.087	$0.084	$0.082	$0.079
Engine #1 Replacement (future authorization)	$0.800	$0.80	10			$0.103	$0.100	$0.097	$0.094	$0.091	$0.088
Boylston St Playground (future authorization)	$1.600	$1.60	10				$0.228	$0.221	$0.214	$0.208	$0.201
Larz Anderson Park (future authorization)	$2.500	$2.50	10				$0.356	$0.346	$0.335	$0.324	$0.314
Envelope/Fenestration Repairs (future authorization)	$1.500	$1.50	10				$0.214	$0.207	$0.201	$0.195	$0.188
Engine #4 replacement (future authorization)	$0.825	$0.83	10				$0.118	$0.114	$0.111	$0.107	$0.104
Larz Anderson Park (future authorization)	$1.000	$1.00	10					$0.143	$0.138	$0.134	$0.130
Amory tennis courts, Parking and Halls Pond (future authorization)	$2.400	$2.40	10					$0.342	$0.332	$0.322	$0.311
Envelope/Fenestration Repairs (future authorization)	$1.850	$1.85	10					$0.264	$0.256	$0.248	$0.240
Roof Rep/Repl (future authorization)	$1.700	$1.70	10					$0.242	$0.235	$0.228	$0.221
Skyline Park (future authorization)	$2.400	$2.40	10					$0.342	$0.332	$0.322	$0.311
Larz Anderson Park (future authorization)	$3.500	$3.50	10						$0.499	$0.484	$0.469
Griggs Park (future authorization)	$1.460	$1.46	10						$0.208	$0.202	$0.196
Beacon Street Design (future authorization)	$1.460	$1.46	10						$0.314	$0.304	$0.295
NEW GEN FUND DEBT SERVICE (cumulative)				**$3.873**	**$4.326**	**$4.935**	**$5.743**	**$6.940**	**$7.786**	**$7.581**	**$7.376**

PROJECT	BOND AUTH.	BOND AMT	TERM	2022	2023	2024	2025	2026	2027	2028	2029
Funded Within 6% CIP Policy											
Debt Exclusions											
Driscoll School - (previously authorized)	$115.30	$90.30	25	$5.48	$5.48	$5.48	$5.48	$5.48	$5.48	$5.48	$5.48
Newbury College (previously authorized	$14.900	$14.900	25	$0.904	$0.904	$0.904	$0.904	$0.904	$0.904	$0.904	$0.904
High School - (previously authorized)	$30.97	$30.97	25	$1.98	$1.98	$1.98	$1.98	$1.98	$1.98	$1.98	$1.98
Fire Station Renovations - (future authorization)	$21.275	$21.275	25	$0.000	$1.228	$1.228	$1.228	$1.228	$1.228	$1.228	$1.228
NEW DEBT EXCLUSION DEBT SERVICE (cumulative)				**$8.367**	**$8.367**	**$8.367**	**$8.367**	**$8.367**	**$8.367**	**$8.367**	**$8.367**
Enterprise Funds											
Water System Improvements (existing Authorization)	$2.000	$2.000	10	$0.285	$0.277	$0.268	$0.260	$0.251	$0.243	$0.234	$0.226
Water System Improvements (future Authorization)	$2.000	$2.000	10		$0.285	$0.277	$0.268	$0.260	$0.251	$0.243	$0.234
Water System Improvements (future Authorization)	$2.000	$2.000	10			$0.285	$0.277	$0.268	$0.260	$0.251	$0.243
Stormwater (future authorization)	$0.300	$0.300	10		$0.050	$0.049	$0.048	$0.047	$0.046	$0.045	$0.044
Stormwater (future authorization)	$0.300	$0.300	10			$0.050	$0.049	$0.048	$0.047	$0.046	$0.045
Wastewater (previously authorized) grant / loan	$3.200	$3.200	10	$0.103	$0.103	$0.103	$0.103	$0.103	$0.103	$0.103	$0.103
Wastewater (future authorization) grant / loan	$3.200	$3.200	10		$0.075	$0.075	$0.075	$0.075	$0.075	$0.075	$0.075
Wastewater (future authorization) grant / loan	$3.200	$3.200	10		$0.200	$0.200	$0.200	$0.200	$0.200	$0.200	$0.200
Golf Course (previously authorized)	$1.000	$0.190	20		$0.018	$0.018	$0.017	$0.017	$0.016	$0.016	$0.015
Golf Course (previously authorized)	$1.000	$0.250	20			$0.024	$0.023	$0.023	$0.022	$0.022	$0.021
Golf Course (previously authorized)	$1.000	$0.250	20				$0.024	$0.023	$0.023	$0.022	$0.022
NEW ENTERPRISE FUND DEBT SERVICE (cumulative)				**$0.388**	**$1.008**	**$1.348**	**$1.343**	**$1.314**	**$1.285**	**$1.256**	**$1.227**
TOTAL NEW DEBT SERVICE (cumulative)				**$12.628**	**$13.700**	**$14.650**	**$15.453**	**$16.622**	**$17.438**	**$17.204**	**$16.970**
TOTAL NEW DEBT SERVICE WITHOUT DEBT EXCLUSIONS (cumulative)				**$4.261**	**$5.333**	**$6.283**	**$7.086**	**$8.255**	**$9.071**	**$8.837**	**$8.603**

Ratings agencies have noted Brookline's above average amortization rate. That is an important factor in being able to take on additional debt: as old debt runs off, new debt can be taken on. The graph to the right shows the amortization of existing debt and the proposed new debt for the General Fund. Non-exempt debt utilizes a fixed principal amortization schedule, while exempt debt utilizes a level payment amortization schedule.



A common indicator used to measure debt service levels is comparing it to revenue, since it is those revenues that are needed to pay the principal and interest payments. For general funds, ratings agencies tend to consider ratios of between 5% - 10% as being prudent. The table below shows debt service as a percent of revenue for the General Fund, Water and Sewer Enterprise Fund, and the Golf Course Enterprise Fund. As it shows, total debt service is projected at 10.6% in FY22 which is when the majority of debt service associated with the Driscoll School project commences.

DEBT SERVICE AS A PERCENTAGE OF REVENUE

DESCRIPTION	FY19 (Act.)	FY20 (Act.)	FY21 (Act.)	FY22 (Proj.)	FY23 (Proj.)	FY24 (Proj.)	FY25 (Proj.)	FY26 (Proj.)	FY27 (Proj.)	FY27 (Proj.)
Total General Fund Supported Debt Service	15,421,011	17,688,668	25,044,625	36,964,392	37,898,288	37,695,848	37,823,495	38,034,028	37,775,781	37,170,735
a.) Exempt (Debt Exclusion) [1]	3,408,089	5,700,171	13,674,000	21,741,342	23,245,856	23,242,106	23,248,856	23,249,856	23,249,606	23,247,356
b.) Non-Exempt	12,012,922	11,988,497	11,370,625	15,223,050	14,652,433	14,453,743	14,574,639	14,784,173	14,526,175	13,923,379
Minus SBA Reimbursements	556,757	434,662	434,662	434,662	0	0	0	0	0	0
Net General Fund Debt Service	14,864,254	17,254,006	24,609,963	36,529,730	37,898,288	37,695,848	37,823,495	38,034,028	37,775,781	37,170,735
Water & Sewer Enterprise Fund Supported Debt Svc.	1,717,460	1,644,347	1,213,140	1,667,830	1,932,305	1,956,505	1,808,680	1,610,565	1,463,950	1,420,625
Golf Course Enterprise Fund Supported Debt Svc.	140,888	151,873	137,038	138,088	194,438	189,260	184,058	178,799	163,534	163,700
TOTAL Debt Service	**17,279,358**	**19,484,887**	**26,394,803**	**38,770,310**	**40,025,031**	**39,841,613**	**39,816,232**	**39,823,392**	**39,403,265**	**38,755,060**
General Fund Revenue	289,770,791	304,426,767	317,946,555	332,967,153	338,803,414	347,210,082	357,495,956	367,667,175	377,585,243	387,772,161
General Fund Revenue Without SBA Reimbursement	289,214,034	303,992,105	317,511,893	332,532,491	338,803,414	347,210,082	357,495,956	367,667,175	377,585,243	387,772,161
Water & Sewer Enterprise Fund Revenue	28,554,309	28,561,053	29,239,143	29,878,967	30,775,336	31,698,596	32,649,554	33,629,041	34,637,912	35,677,049
Golf Course Enterprise Fund Revenue	1,772,700	1,884,446	1,906,691	2,009,493	2,059,730	2,111,224	2,164,004	2,218,104	2,273,557	2,330,396
TOTAL Revenue of Funds Supporting Debt Svc.	**320,097,800**	**334,872,266**	**349,092,389**	**364,855,613**	**371,638,480**	**381,019,902**	**392,309,514**	**403,514,320**	**414,496,712**	**425,779,606**
General Fund Debt Service as a % of General Fund Revenue	5.3%	5.8%	7.9%	11.1%	11.2%	10.9%	10.6%	10.3%	10.0%	9.6%
Net General Fund Debt Service as a % of General Fund Revenue [2]	5.1%	5.7%	7.8%	11.0%	11.2%	10.9%	10.6%	10.3%	10.0%	9.6%
Water & Sewer Enterprise Fund Debt Service as a % of Revenue	6.0%	5.8%	4.1%	5.6%	6.3%	6.2%	5.5%	4.8%	4.2%	4.0%
Golf Course Enterprise Fund Debt Service as a% of Revenue	7.9%	8.1%	7.2%	6.9%	9.4%	9.0%	8.5%	8.1%	7.2%	7.0%
TOTAL Debt Service as a % of Total Rev. Supporting Debt Svc.	**5.4%**	**5.8%**	**7.6%**	**10.6%**	**10.8%**	**10.5%**	**10.1%**	**9.9%**	**9.5%**	**9.1%**

[1] The Coolidge Corner School, High School and Driscoll School projects were financed via a Debt Exclusion. Current funding plans for the Pierce School project assumes a Debt Exclusion.

[2] Excludes both the debt service (expense) reimbursed by the State for school projects and the reimbursement from the State (revenue).

IMPACT ON OPERATING BUDGET

The "Debt and Debt Service" section discussed the impact of debt service on the Operating Budget. Another potential impact of a CIP on a community's Operating Budget is an increase or decrease in operating expenses. For example, adding another facility in the community will add costs for utilities and building operation / maintenance. Conversely, undertaking energy conservation projects will help reduce costs in the Operating Budget. The proposed CIP contains a number of projects that will impact the Operating Budget, both positively and negatively. They are listed below:

- Technology Applications – projects undertaken by the Information Technology Department (ITD) are focused on improving efficiencies in numerous departments. While it is difficult to put a dollar figure on savings, past applications have proven to yield savings in the Operating Budget, including a reduction in headcount. On the other hand, new technologies often come with increased maintenance contracts.
- Wastewater System Improvements - these projects will help prevent costly system failures, lower MWRA wholesale costs by reducing extraneous flows, and make more efficient use of annual operating funds.
- Playground Projects - as playgrounds are renovated and new or improved water play features are included as part of the project, water/sewer costs will increase.
- Driscoll/ Pierce and / High School projects – these projects are certain to increase the size of the facilities, so additional utility costs are to be expected. However, increases will be minimized to the greatest extent possible by including energy efficient systems and “green” components. Insurance costs related to the High School and Florida Ruffin Ridley School increased $180K in FY22.
- Town / School Energy Management Systems and Energy Conservation - these on-going items are meant to yield savings in the operating budget. With large increases in utility prices over the past few years, it is imperative that monies be invested to decrease energy consumption in buildings. Programs would include, but are not limited to, lighting retrofit and controls, energy efficient motors, insulation, and temperature equipment. This program would augment existing gas and electric utility conservation programs. Monies would also go toward more efficient heating and cooling equipment.
- Town / School Emergency Generator Replacement, Elevator Replacement, Roof Replacement, Masonry Repairs, and Fenestration - these items represent an approach to systematically replace various core facility needs that only become more expensive to maintain if not replaced in a timely manner. They also help eliminate the need for larger expenditures that might arise if allowed to deteriorate.
- Classroom Capacity - the School Department estimates $252,952 of additional operating expenses associated with the Clark Road lease. This includes building maintenance, landscape

services and utility costs.

Recommended Projects (click for full CIP project listing)

The following pages contain the FY22 – FY27 CIP as proposed by project.

General Government Projects

Public Safety Projects

Library Projects

Public Works - Transportation Projects

Public Works - Engineering/Highway Projects

Public Works - Water/Sewer

Public Works - Parks and Playgrounds

Public Works - Conservation/Open Space

Recreation Projects

School Projects

Debt and Debt Service Charts

Welcome to Brookline MASSACHUSETTS

General Government Projects

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

CATEGORY CODES (CC):
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H = CDBG
I = Other
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K = Debt Exclusion Override

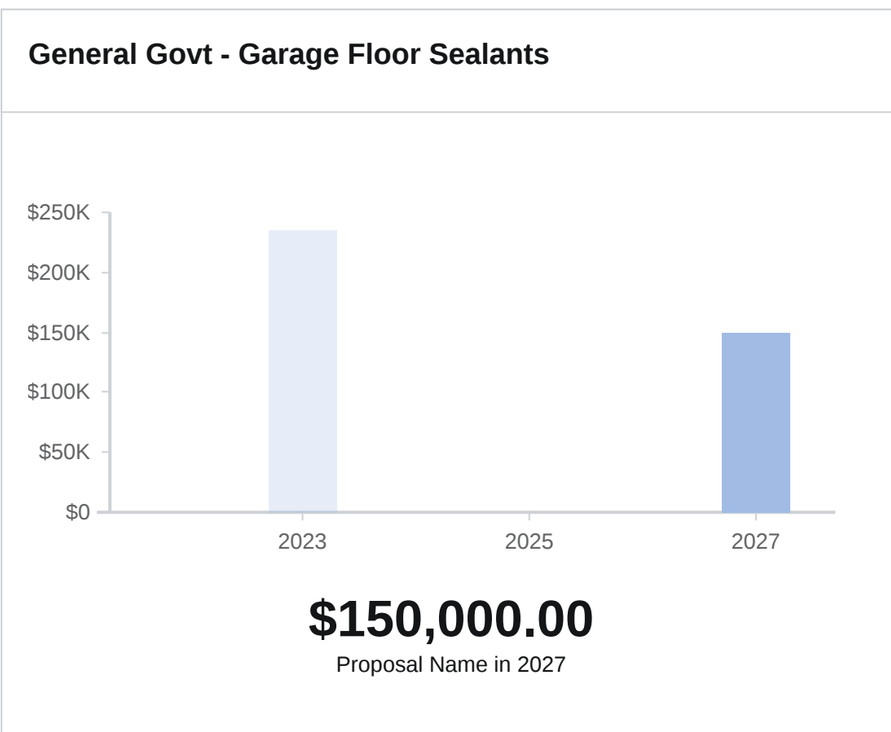
CC		Total	Prior Year (FY21)	FY2022		FY2023		FY2024		FY2025		FY2026		FY2027		Future Years	
				Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC
	GENERAL GOVERNMENT																
2	Larz Anderson Garage	135,000										135,000	A				
6	Town Building Furniture	50,000										25,000	A			25,000	A
2	Garage Floor Sealants	575,000										225,000	A	200,000	A	150,000	A
2	Town Rehab/Upgrade	325,000	60,000									85,000	A	90,000	A	90,000	A
6	Technology Applications	425,000						125,000	A					150,000	A	150,000	A
6	Voting Machines	130,000		130,000	A												
6	Newbury College West Parcel Acquisition	14,900,000	14,900,000														
	General Government Total	16,540,000	14,960,000	130,000		-		125,000		-		470,000		440,000		415,000	

GARAGES AT LARZ ANDERSON

The fuel tank located on site is not used anymore and should be removed, along with the gas pumps, in order to avoid a possible leak in the future.

TOWN BUILDING FURNITURE

This item allows for the replacement of aging furniture at Town Hall and other non-school buildings.

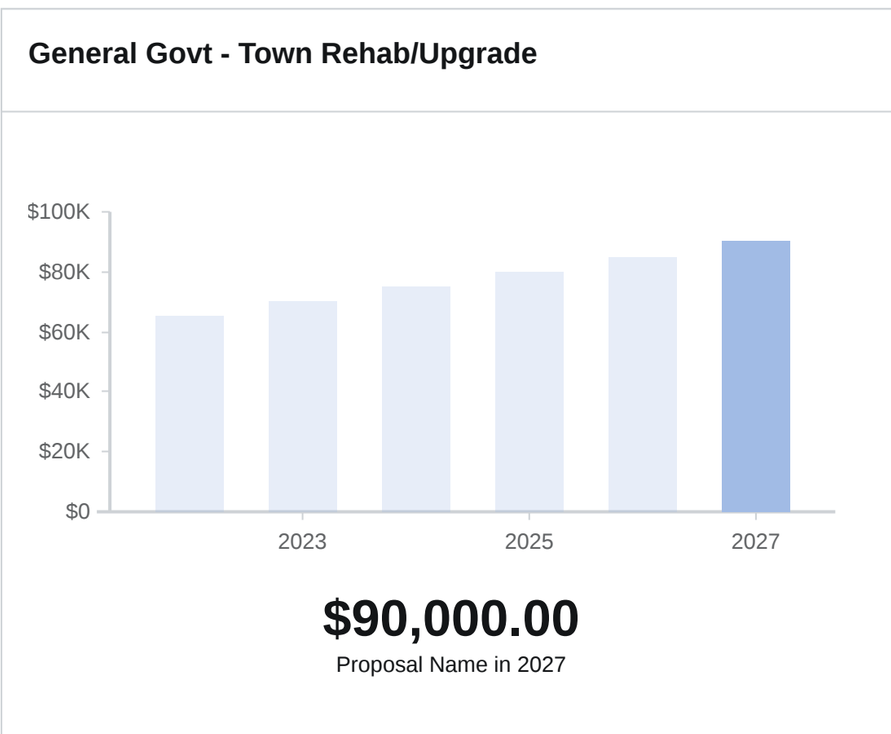


GARAGE FLOOR SEALANTS

Sealants are required for concrete suspended floors every 7 years. If the floor is not properly sealed to prevent corrosion of the concrete and rebar, the floor will deteriorate rapidly. This will lead to premature failure and costly involved repairs including new concrete and possibly structural repairs.

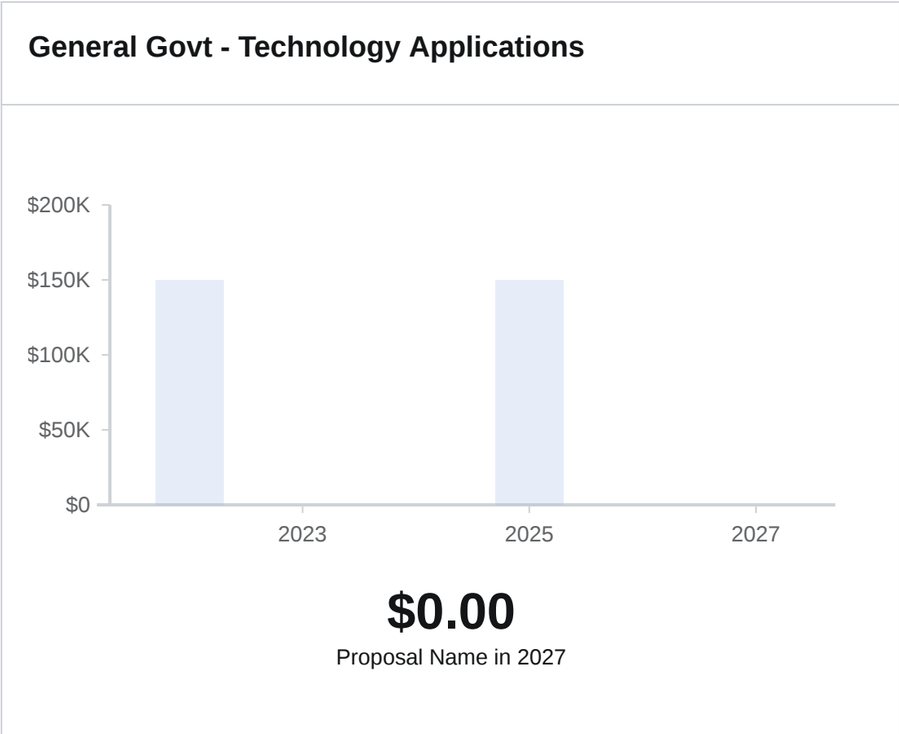
Those floors include:

Municipal Garage	Fire Station No 4
Main Library	Fire Station No 6
Fire Station No 1	Fire Station No 7



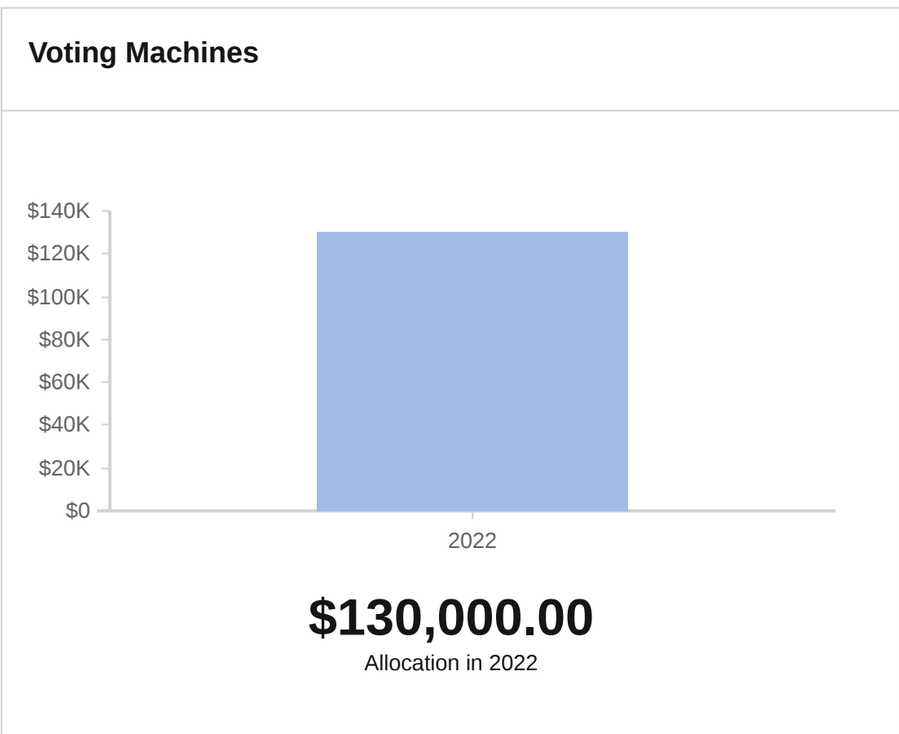
TOWN REHAB/UPGRADES

This is an on-going town-wide program for the repair and upgrade of Town facilities in between major renovation projects. Items funded under this program include large scale painting programs, new flooring, ceilings, window treatments and toilet upgrades. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.



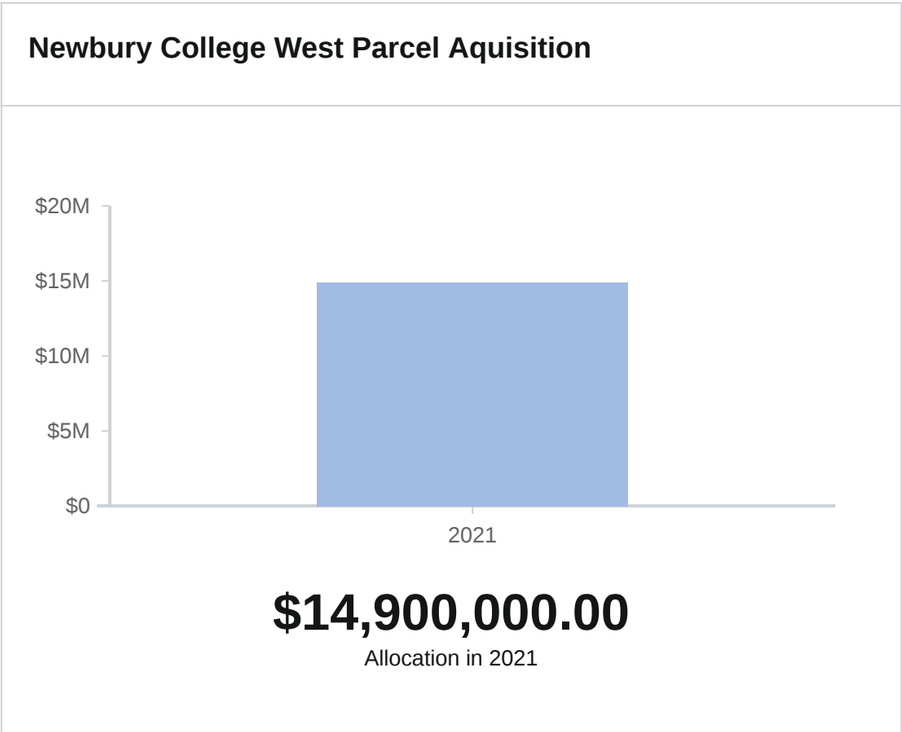
TECHNOLOGY APPLICATIONS

This annual appropriation is for funding the projects included in the Information Technology Department's Long-Term Strategic Plan, which serves as the framework for the selection and management of technology expenditures and is updated periodically by the Chief Information Officer (CIO). Moreover, additional projects that meet the short-term objectives set by the CIO and appropriate committees provide the guidance for the Town's approach to technology management. Primary focus areas for IT investments include Infrastructure lifecycle replacement, Enterprise Applications/Better Government initiatives, School Technology, and Public Safety enhancements. Special consideration is given to projects that reduce operating expenses and / or create efficiencies.



Voting Machines

The Town voting machines have reached their useful life and need to be replaced.



Newbury College West Parcel Aquisition

On December 14, 2018, Newbury College announced that it would cease operations in May 2019. The former Newbury College campus, located in the Fisher Hill neighborhood, was recently sold to Welltower, a leading developer of senior housing facilities. The Select Board agreed to a set of terms with Welltower for the rezoning of the east side of the former Newbury College campus and the Town's purchase of the west side. A debt exclusion override was approved in November, 2020 and the Town will take possession of the property in January.

The Town intends to use the existing Academic Building for municipal and/or school uses on a temporary basis. During this time, the Town will undertake an extensive and comprehensive planning process including robust public participation to identify a permanent use of the property that responds to municipal/school needs and respects the neighborhood context in which the property is located.

Welcome to Brookline MASSACHUSETTS

Public Safety Projects

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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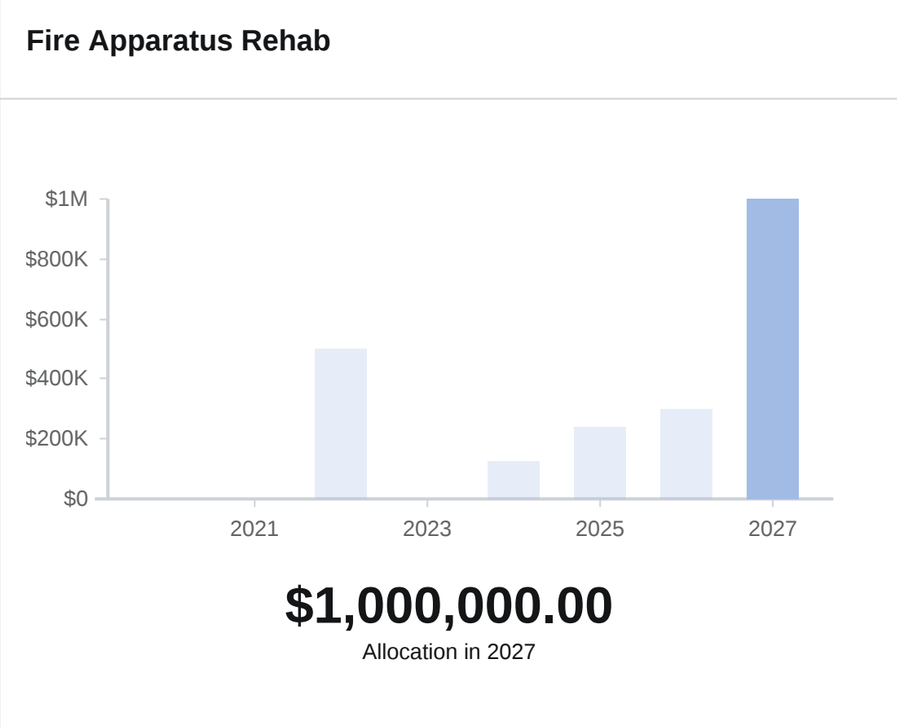
CC		Total	Prior Year (FY21)	FY2022 Amount	FY2022 RC	FY2023 Amount	FY2023 RC	FY2024 Amount	FY2024 RC	FY2025 Amount	FY2025 RC	FY2026 Amount	FY2026 RC	FY2027 Amount	FY2027 RC	Future Years Amount	Future Years RC
	PUBLIC SAFETY																
5	Fire Apparatus Rehab	1,665,000						125,000	A	240,000	A	300,000	A			1,000,000	A/B
5	Engine #1 Replacement	800,000				800,000	B										
5	Engine #4 Replacement	825,000						825,000	B								
2	Fire Station Renovations	21,275,000		21,275,000	K												
2	Fire Station Alerting System Replacement	450,000	450,000														
6	Radio Infrastructure	3,600,000	900,000	900,000	A	900,000	A	900,000	A								
	Public Safety Total	28,615,000	1,350,000	22,175,000		1,700,000		1,850,000		240,000		300,000		-		1,000,000	



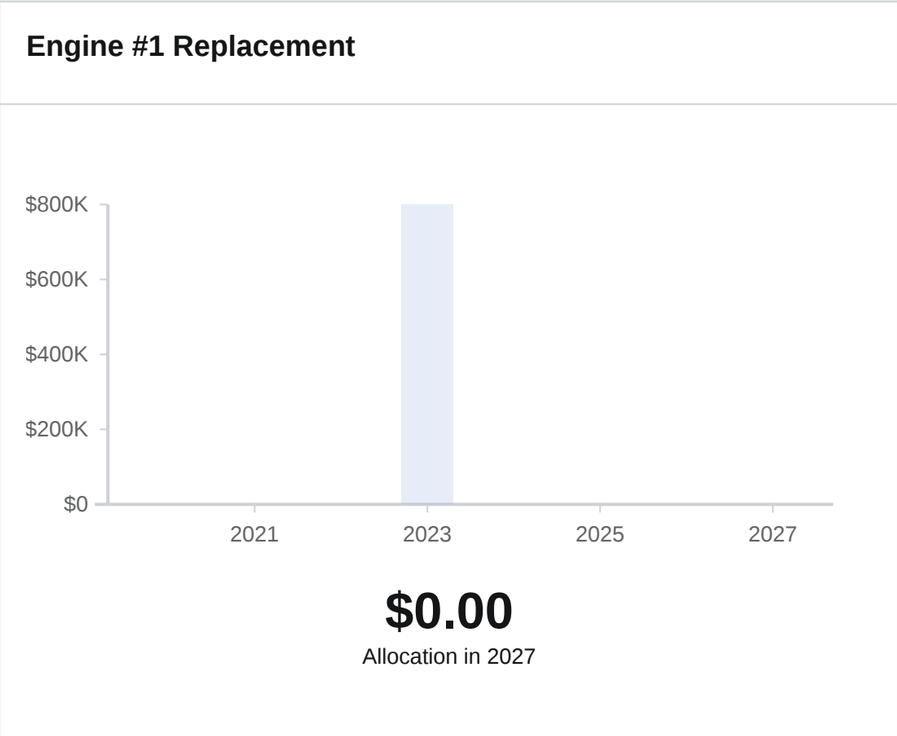
FIRE APPARATUS REHAB

The Town's policy is to replace front-line fire engines every 17 years and front-line ladder trucks every 20 years. While this replacement schedule serves the Town very well, funding needs to be appropriated every 10 years to rehab engines and every 12 years to rehab ladder trucks. The breakout of the proposed funding is as follows:

Quint #4 = $500,000 (FY22) Rescue #1 = $125,000 (FY24)
Engine #3 = $240,000 (FY25) Engine #5 = $300,000 (FY26)

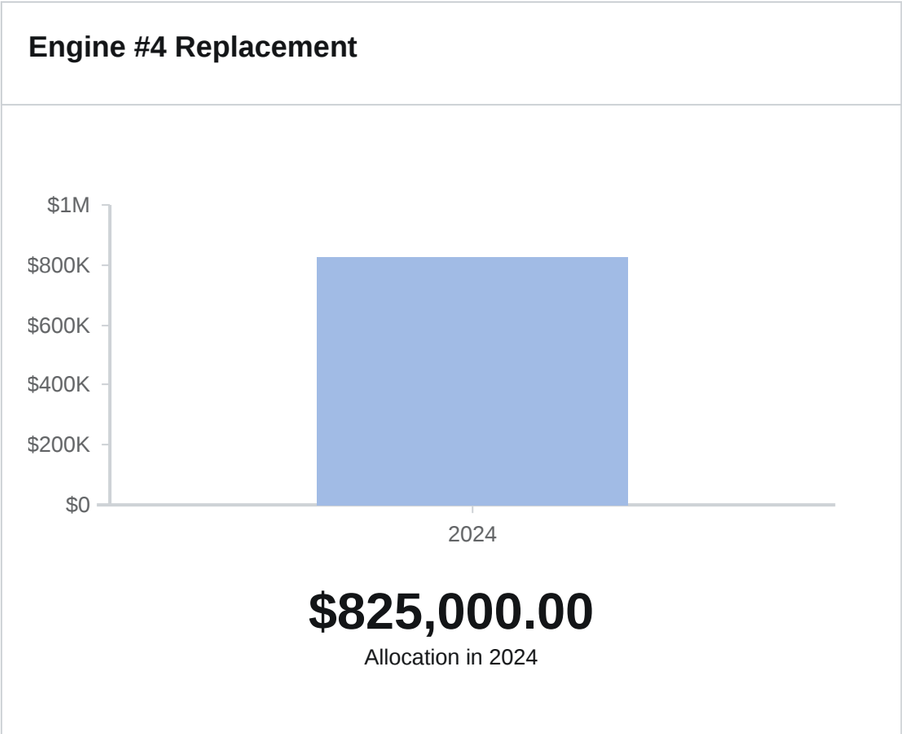
Quint 4 was purchased in 2010. In keeping with the Town's policy of refurbishing fire engines at 10 years the quint is scheduled to be refurbished in 2020. While the Quint has

an aerial ladder on it, we typically operate it as an engine company and therefor fall under the 10 year guideline. However, the refurbishment costs will be higher than a traditional fire engine due to its dual design. The department has requested deferral of this piece until the Chief has concluded a long-range strategic plan, which will help the department ascertain the long-term viability of this non-traditional apparatus for the Town of Brookline. Department mechanics have determined that a 1-2 year deferral of this rehabilitation will not significantly increase any future cost for maintenance.



ENGINE #1 REPLACEMENT

Using the Town's replacement schedule, Engine No. 1 will be due for replacement in FY 2023. Considering the Town just bought a pump for $625,000 (Engine 6) and using the 3% inflation estimate per year, the projected cost is estimated at $725,000



Engine #4 Replacement

A new Engine No. 4 will be purchased in FY 2024, with a projected cost of $825,000.

The experiment of using a hybrid dual-use vehicle to serve the firefighting needs of the citizens of South Brookline has been a source of debate in both the fire department and the community since its inception. The quint apparatus was employed to function as both an engine (pumper) as well as a limited ladder company to address the operational gap when budgetary circumstances required a workforce reduction in the fire department. This functional duplicity has proven neither effective nor efficient. The department continues to experience a steady increase in calls for service. The greatest population and housing growth in the Town has recently been, and is projected to occur substantially in the future, in the South Brookline area. As such, further analysis of future fire protection (i.e the necessity of a stand-alone ladder company in South Brookline) is a prioritized issue for the department's long-term planning. The proposed fire station renovations project anticipates this exponential growth, as well as the associated fire department apparatus and personnel required to meet that need.

FIRE STATION RENOVATIONS

A study was made of the conditions of the fire stations and what was needed to maintain the integrity of the floors and building in regard to the newer, larger fire equipment. The work outlined in the report includes flooring, shoring, beams, columns, and structural work. The report also included recommendations for the HVAC systems, generators, lighting, life safety, and mechanical, electrical, plumbing (MEP), along with other peripheral systems. The report broke the work into three categories: (1) structural, (2) life safety systems, and (3) MEP. The recommended approach was to fund all required structural work in the first year ($625,000 was approved in FY12), then fund life safety systems by stations as prioritized by the Fire Chief (FY13 – FY15), and then undertake the MEP work (starting in FY17).

As work on MEP began, the Fire Chief requested additional funding for industrial cleaning and reconfiguration of spaces to mitigate potential hazards in the stations. This type of project has been implemented in Boston to address the growing concern of cancer-related illnesses in the fire service. Further study was required to develop a plan that provides MEP/FP systems, Architectural, Cost Estimating, Code Consulting and HAZMAT guidelines for the Fire Department and takes into consideration the limitations of our current station configurations. The project would include industrial cleaning of all non-porous surfaces and all duct work, painting of all walls and ceilings (hard surfaces), replacement of all acoustic/porous ceiling tiles, replacement of all window treatments, replacement of all (soft) furniture in living areas , replacement of all beds and mattresses and the replacement of any fabric partitions. These upgrades, along

with the recent requests, literally and figuratively, form the foundation for the next phase of essential renovations necessary to transform the department's working and living spaces to provide for the long-term wellbeing of our firefighters and to accommodate our diverse workforce.

These next phases of ethically and statutorily significant modernization attend to three critical areas (1) addressing the systemic changes necessary to provide a safe and healthy work environment for our firefighter's through the reduction of exposure to carcinogenic contaminants in the living quarters, (2) addressing the long overlooked areas of privacy equity and increased capacity for female firefighters, and lastly (3) addressing all applicable health and safety requirements in the work space under the state's newly adopted federal Occupational Safety and Health Administration (OSHA) standards.

The Fire Department Administration established a joint labor/management working group to provide insight, ideas and direction to the project moving forward and to ensure collaboration and trust in the process. The same architectural and engineering firms were engaged to undertake a further comprehensive analysis of the stations to address these three fundamental areas, and to seamlessly integrate them with the existing structural renovations already underway. The group is looking at both short and long-range objectives with regard to our fire stations. Brookline's increasing population, and its decreasing land/site availability, limits the available options. This short term analysis focuses mainly on renovations; however a simultaneous examination of full replacement of one or more stations is also in order.

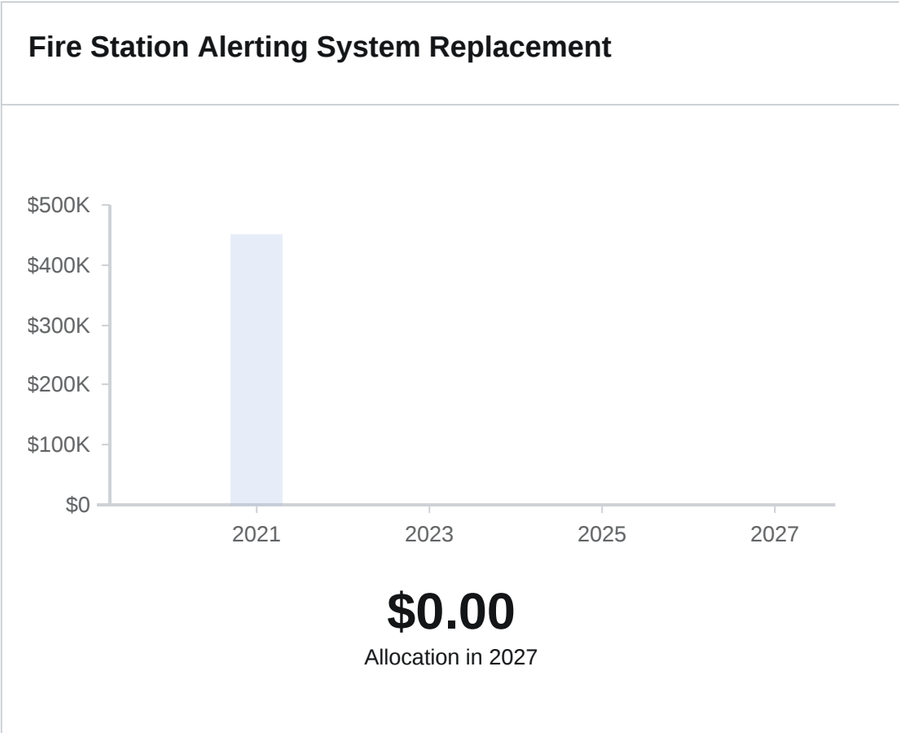
The first analysis focused on the integration of environmental zoning within the existing structures; primarily using enhanced HVAC equipment to create "pressurized" controls between working and living spaces. These newly established "zones" work in conjunction with enhanced policy and procedural decontamination standards and habits. Negative and positive pressure differences between the zones limit the conventional flow of contaminants between the garage or contaminated (red) working areas of the stations; pass through a neutral or reduced contamination (grey) zone before entering into the contamination-free living quarters (green). There are a limited number of changes that would need to be made to the physical structure of some stations to create the needed flow from zone to zone.

A second analysis was conducted by the same groups to address the long-overdue complete integration of female firefighters into the outmoded fire stations that were built exclusively for male occupancy. Brookline's female firefighters have been subjected to disparate accommodations for over two-decades and are rightfully demanding that changes be implemented to increase capacity for bathroom and changing facilities providing more flexibility and privacy for our anticipated growing female workforce. The initial changes that were implemented, albeit well-intentioned, created even further disparity. The new analysis was designed to meet or exceed standards established by previous civil service ruling for integrated accommodations. These specific renovations were integrated to work in conjunction with the overall redesign plan to build resiliency for the next several decades of use by the department.

The last analysis was undertaken by the joint labor/management committee to review the newly instituted federal OSHA standards as they pertain to the fire stations. The committee finds that the majority of the identifiable potential violations that could be found within the scope of the standard has been, or will be, addressed within the larger renovation plans, and no additional specific recommendations are necessary at this time.

This large-scale endeavor would be completed over the course of 5-7 years at an estimated cost of $21.5 million dollars with an average cost of $4.3 million/per station, likely necessitating a debt-exclusion from the Town residents. For comparison, new stations being built in the greater Metropolitan Boston area by other departments average $20-$25 million/station. As mentioned, consideration should be given to the replacement (on site) of at least one station (Station 5/ Babcock St. Taking into account money already appropriated, the request is for $21.3M.

This project would necessitate that each fire station would be vacated in its entirety during the period of renovation. As such, the apparatus and personnel from the affected station are temporarily reassigned to another station(s). Some minor site work could be necessary to accommodate more personnel on a temporary basis. The renovations are estimated to take between 8-18 months for each station depending on the size and complexity of the project.

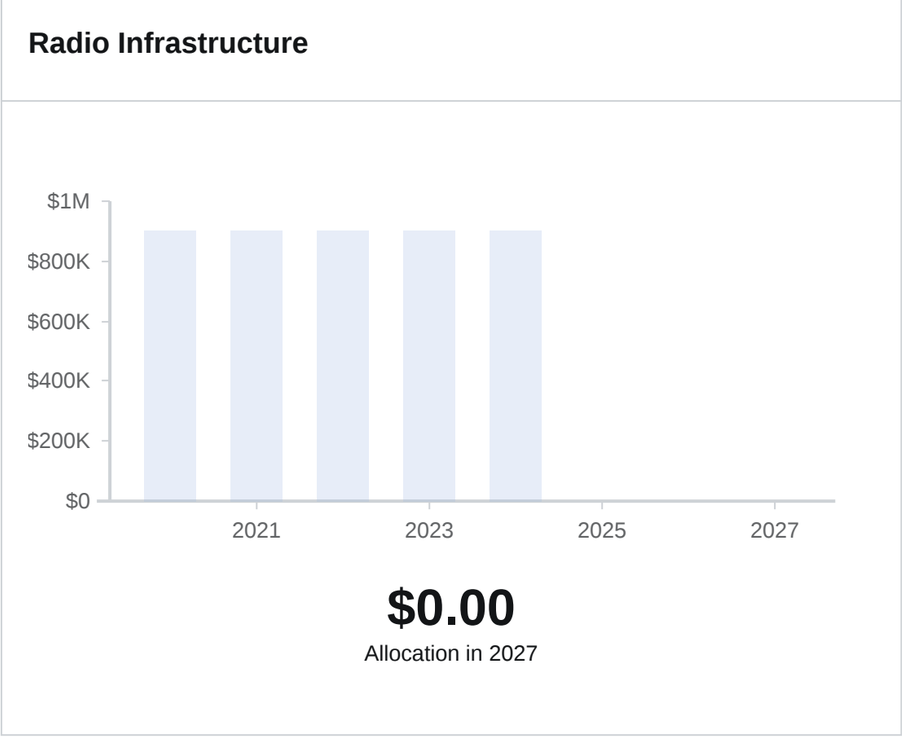


FIRE STATION ALERTING SYSTEM REPLACEMENT

The Brookline Fire Department's fire station alerting (FSA) system "Zetron" was purchased over 20 years ago and must now be replaced. The system was temporarily upgraded in 2016 to accommodate the Town's change-over to fiber optic transmission, however the local vendor notified the Town in August of 2018 that it will no longer support this upgrade. The system continues to degrade and experiences failures on a regular basis. At this point, the system is no longer reliable and must be prioritized for replacement.

Technology changes over the past two decades have vastly improved and modern system components greatly enhance response capabilities and reduce alerting stressors for firefighters. Improvements in the dispatch-side system components provide a faster and more intuitive user-interface for our dispatchers, and integrate text-to speech technology standardizing all initial dispatch announcements providing much needed consistency.

In-station enhancements will include upgrades to all speakers and alert lighting to comply with NFPA 1500 standard for firefighter health and wellness. Wall-mounted message boards, including timer countdown display will improve turnout time. In-station video monitors display current dispatch information incorporating mapping overlays for routing and other vital information. During non-dispatch times these monitors can display all current FD activity as well as MetroFire activity in real time.
"Other" operating costs - include funding for annual service contract for the system software components.



RADIO INFRASTRUCTURE

The upgrading of the radio infrastructure for the police and fire radio channels will need to be addressed, including the radio copper circuits connections as they will no longer be supported by Verizon. Police channel 1, and Fire channel 1 have not been upgraded for the last 20 to 25 years, Police channel 2 was built out about 13 years ago. According to the Federal Communications Commission (FCC) the typical life of radio equipment is 7 to 10 years; in reality radio systems are good for 12 to 15 years. Either way, we are overdue for infrastructure upgrade to our radio systems. Currently, the majority of our radio infrastructure, is considered by Motorola to be," end of life "and "end of service," since parts do not readily exist for this equipment.

We have not been able to do any upgrades or improvements on the core equipment since the FCC has a freeze on T- Band radio frequencies, which Brookline Police and Fire operate on. The T-Band frequencies operate in the 470-512 MHz band. The thought was the FCC was going to auction off the T-Band frequencies to private carriers, then replace and pay for the radio systems that operated in the T- Band spectrum. This has not happened, and the FCC has found that no wireless carrier is interested in bidding on this spectrum. Congress will have to rule within the next year to eliminate the auction of T- Band, so public safety agencies can move forward with their systems.

The project will consist of replacing Police channels 1 and 2, Fire channel 1 along with the subscriber radios (Portable and Mobile radios) for both departments.
Working with Motorola the estimated cost to build out these 3 radio channels

infrastructure along with the subscriber costs is $3,944,577.30

The break down provided by Motorola is:
Police = $1,690,437.45
(Police Infrastructure- 2 radio channels = $672,225.75 Police Subscribers = $1,018,211.70)
Fire = $937,953.25 (Fire Infrastructure = $388,486.35 Fire Subscribers = $549,466.90)
Shared Costs Total = $1,316,166.60
The Town plans to lease-finance the cost of this project over a 5-year period with an estimated lease payment of $900,000 per year.

Welcome to Brookline MASSACHUSETTS

Library Projects

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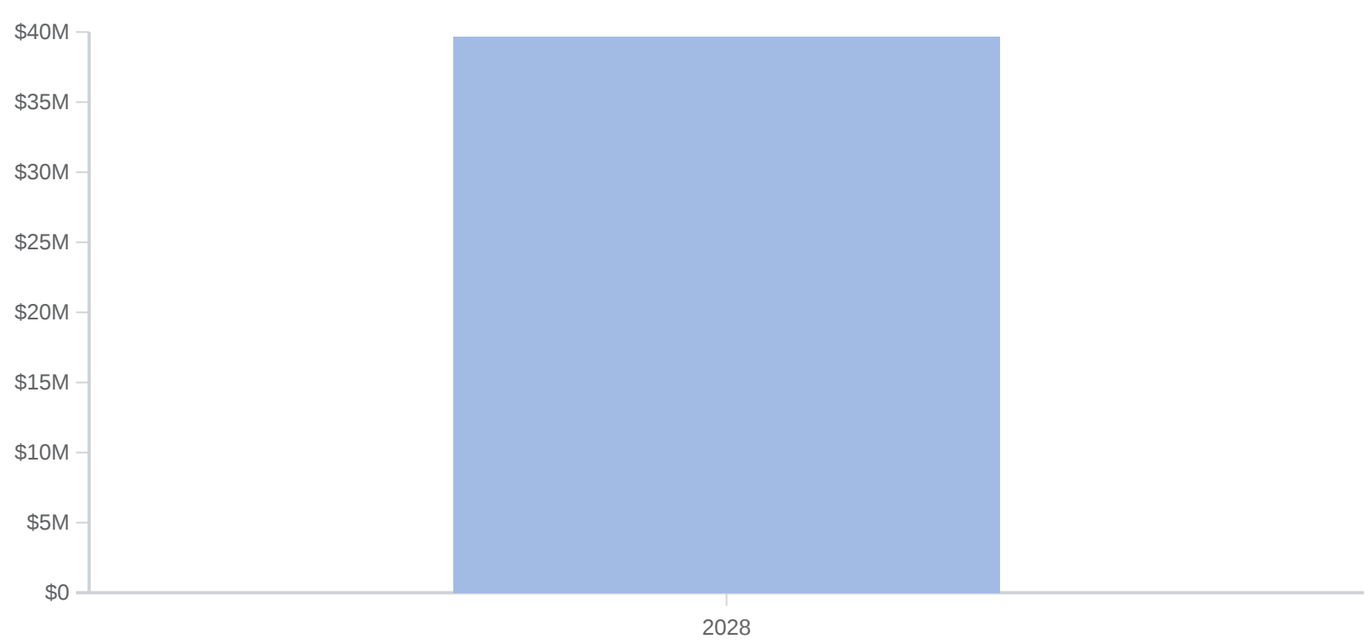
	LIBRARY																
2	Renovation of the Main Library	39,655,000														39,655,000	B/C/I
	Library Total	39,655,000	-	-		-		-		-		-		-		39,655,000	

Renovation of the Main Library

Data Updated 6 days ago



$39,655,000.00
Allocation in 2028

RENOVATION OF THE MAIN LIBRARY

In 1999 the Trustees, the Massachusetts Board of Library Commissioners (MBLC), and the Town of Brookline worked together to undertake a large-scale renovation of the Main Library at 361 Washington St. The renovation took 4 years, and enhanced the already beautiful facility. The library has been vigorously and consistently used since then, and has held up very well.

What could not, perhaps, have been anticipated in 1999 was the explosive change in information delivery methods. The internet itself, social media, online shopping, and online researching were in their infancy. Many people still didn't have home computers, and smart phones had not yet been invented. Libraries were providing some terminals for patrons to access the internet, but the lion's share of the computing that was happening in libraries involved typing letters and papers. In fact, futurists say that libraries will change exponentially faster in the next 20 years than they have in the last 20 years.

As the internet culture has evolved, so have the needs of library patrons. Room reservations are up, people are looking for free study space, group meeting space, and teleconferencing space. Almost everyone who comes to our libraries has a gadget in hand and eventually needs a place to charge it.

When this library was renovated, 20 years ago now, libraries were still quite book centric. While books are still our brand (and our driver, statistically), print circulation is flat. The increases we see across circulation are almost entirely digital with streaming services like Kanopy, Hoopla, Libby, Lynda.com providing educational and entertainment content. This might suggest that we are seeing less patrons come through our doors, but in fact, it is the opposite. Statistics show that more people are coming to the library, attending more programs, using more internet sessions, taking advantage of classes taught by librarians, and conducting meetings, tutoring, and study groups than ever before. We have made some very low cost adjustments to try to create more workspace and study space in the library by rearranging collections, expanding youth services areas, and creating quiet zones. We have amended policies to be friendlier to the devices patrons rely on daily such as cell phones, and services like Skype.

However, none of this is going to serve to meet the needs of future library patrons. We need to add a number of features that library patrons come to expect, including, but not limited to:

- Small meeting/study rooms
- Teleconferencing facilities
- Better data access
- Flexible spaces
- Makerspace
- Kitchen for instruction
- Conference rooms
- Better electrical access
- Wireless charging
- Craft/Play spaces
- Gender Neutral restrooms
- Updating AV technology

Back of the house needs loom large as well:

- Climate controlled preservation vault
- Additional offices
- Meeting space for staff
- Relocate Rare Books

Room

- Storage (pianos, chairs, craft/art/program supplies, office supplies, custodial supplies/machines, storage for extra shelving/furniture)

And finally, there are some dreams that we would love to consider:

- Rooftop greenspace, story time area
- Digital exhibit hall
- Expanded café space with noise control
- Digital wayfinding technology (smart building tech)

The current facility is 67,300 sq. feet. With an additional 10,000 sq. feet added to accommodate the needs of the public, the estimated cost of the renovation would be $38,500,000.

Funding could be provided from three primary channels:
MBLC: estimated =$12,100,000
Town: estimated = $19,800,000
Private: estimated = $6,600,000

The Town would assume roughly 51% of the cost of the project, with the remainder potentially funded by the MBLC and private donors.

Welcome to Brookline MASSACHUSETTS

Public Works - Transportation Projects

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

CATEGORY CODES (CC):
1 = New Facility Construction
2 = Facility Renovation / Repair
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A = Property Tax/Free Cash/Overlay Surplus
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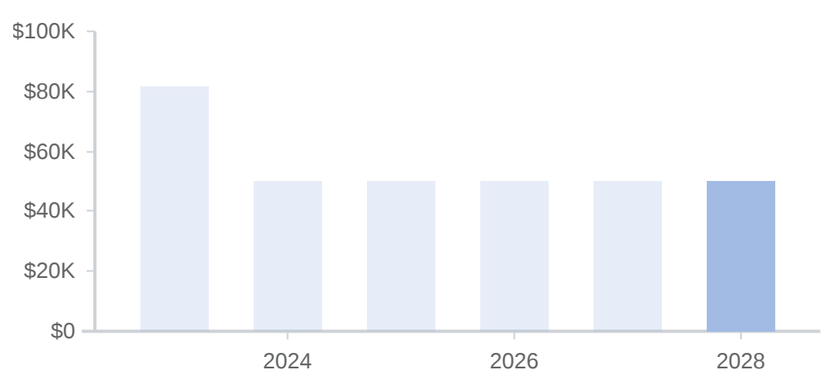
CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	PUBLIC WORKS:																
	Transportation																
4	Traffic Calming / Safety Improvements	331,500	81,500					50,000	A	50,000	A	50,000	A	50,000	A	50,000	A
4	Bicycle Access Improvements	611,700	175,000			436,700	A										
4	Parking Meter Technology Upgrade	466,000	216,000	140,000	A	110,000	A										
4	Hammond/Woodland Traffic Signal / Road Diet	1,500,000								1,500,000	A						
4	Wash/Harv/Kent/Davis Traffic Signal Upgrade	140,000		140,000	A												
4	Transportation Network Company Mitigation Pro	1,600,000	200,000	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C
4	Accessible Pedestrian Signal Conversion	568,000		50,000	A											518,000	A/C
	Public Works - Transportation Sub-Total	5,217,200	672,500	530,000		746,700		250,000		1,750,000		250,000		250,000		768,000	

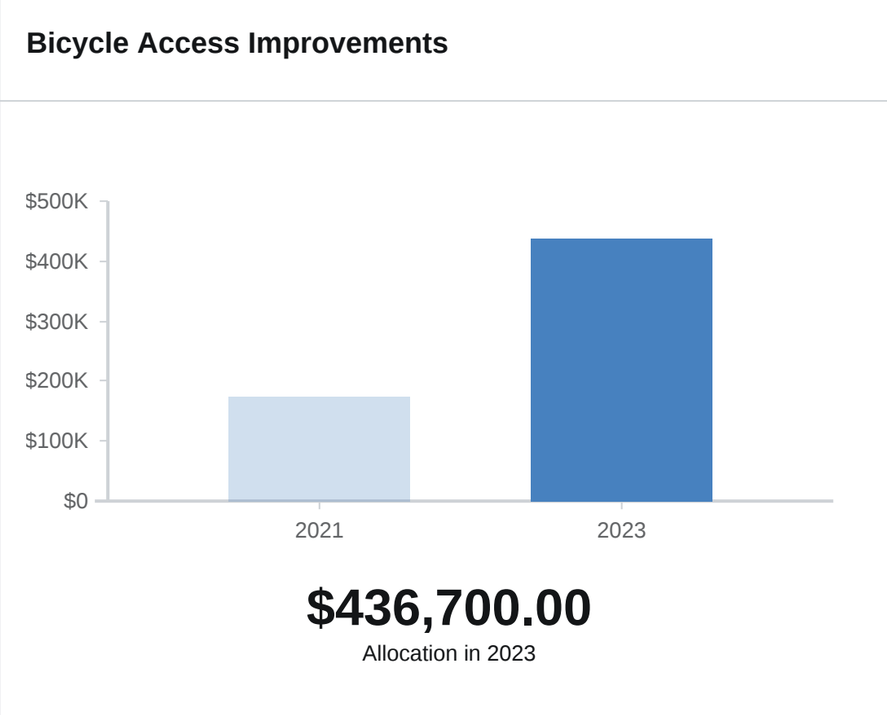
Traffic Calming / Safety Improvements



$50,000.00
Allocation in 2028

TRAFFIC CALMING / SAFETY IMPROVEMENTS

Prior Year: Washington Street at Gardner Road Solar Powered Rectangular Rapid Flash Beacon:
The project is the result of a request to install solar powered Rectangular Rapid Flash Beacons at the two crosswalks across Washington Street at Gardner Road to increase safety for pedestrians crossing this high volume arterial roadway. The RRFB signal is approved for usage as a warning beacon to supplement standard pedestrian crossing warning signs and have shown to increase the safety of crosswalks by improving the yielding rate of motor vehicles for pedestrians in the crosswalk. The Town has installed RRFBs in similar high pedestrian and motor volume locations with success at improving safety.



BICYCLE ACCESS IMPROVEMENTS

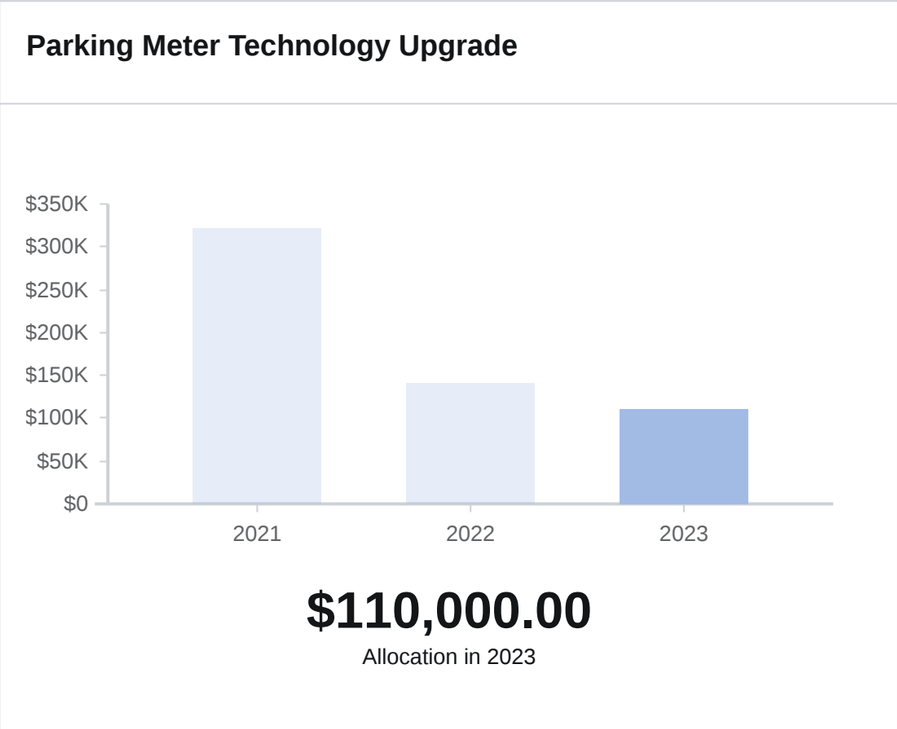
Brookline Avenue Multi-Modal Improvements:

Given that transportation currently accounts for 43% of all greenhouse gas emissions in Massachusetts, the largest of any one sector, the only way for the Town to meet both the Select Board's commitment to become carbon neutral by 2050 and Town Meeting's December 2019 Healthy & Sustainable Transportation resolution to achieve a mode split of 75% of trips by walking, biking, electric micro-mobility, and public transit (among others), is to invest in and prioritize projects that improve the safety and access of these 'alternative' modes over single occupancy vehicle trips with the eventual outcome of making these modes the norm.

Brookline Avenue is an important multi-modal corridor for the Town and the region acting as the main access route to the Longwood Medical Area from the suburban communities to the west of Boston. It includes the bus stops for the MBTA Rte. 60 and 65 buses with a weekday daily ridership close to 4000, and provides the connections for the Emerald Necklace multi-modal path system used by pedestrians, and cyclists for both commuting and recreational purposes.

The project, based on the Transportation Board's approved Green Routes Master Network Bike Plan, the Select Board's Emerald Necklace Crossings Committee Final Report, and the Town's Complete Streets Policy will improve pedestrian, bicycle, micro-mobility, public transit, and emergency vehicle access to and through the Brookline Avenue corridor between

Washington Street and the Town line with the City of Boston. The project will include a northbound shared BUS/BIKE/EMERGENCY VEHICLE travel lane, two northbound general purpose travel lanes, a southbound general purpose travel lane, and a southbound shared BUS/BIKE/EMERGENCY VEHICLE travel lane. The intersection of Brookline Avenue and Aspinwall Avenue will be upgraded to current ADA standards and will include improved bicycle accommodations including bike walks and left turn queue boxes. The southbound bus stop for the Rte. 60 & 65 bus at Aspinwall Avenue will be relocated to the far side of the intersection in accordance with MBTA preferred bus stop guidelines and, along with the changes at the intersection, a new protected two-way, street level cycle track will provide the missing connections in the Emerald Necklace Bicycle and micro-mobility paths along the Muddy River.



PARKING METER TECHNOLOGY UPGRADE

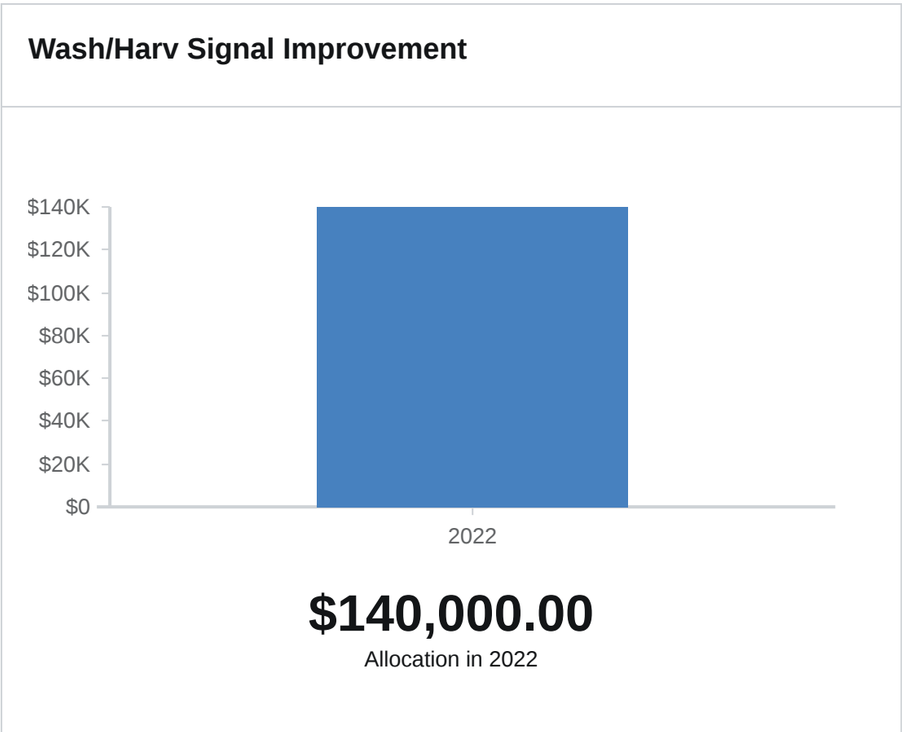
FY22: due to the change over by the communication companies to a 5G network and no longer supporting 2G devices, the Town is required to upgrade the modems in 680 IPS meters purchased between 2013 and 2016.

As parking meter rates increase and fewer people carry coins, users of our parking meter system have continuously requested that the Town implement new parking meter technologies to offer alternative forms of payment. In 2013, the Town of Brookline upgraded our metered public parking supply to provide improved customer convenience, ensure a regular turnover of spaces in our high demand areas, and improve municipal maintenance and collection operations. This

deployment included the installation of Digital Luke multi-space parking meters in public parking lots and over 500 IPS single space credit card acceptance parking meters on-street in our high use districts along portions of Beacon Street, Harvard Street, Kent Street, and Brookline Avenue. The use of these single-space parking meters has been widely accepted and supported by general users, merchants, and others.

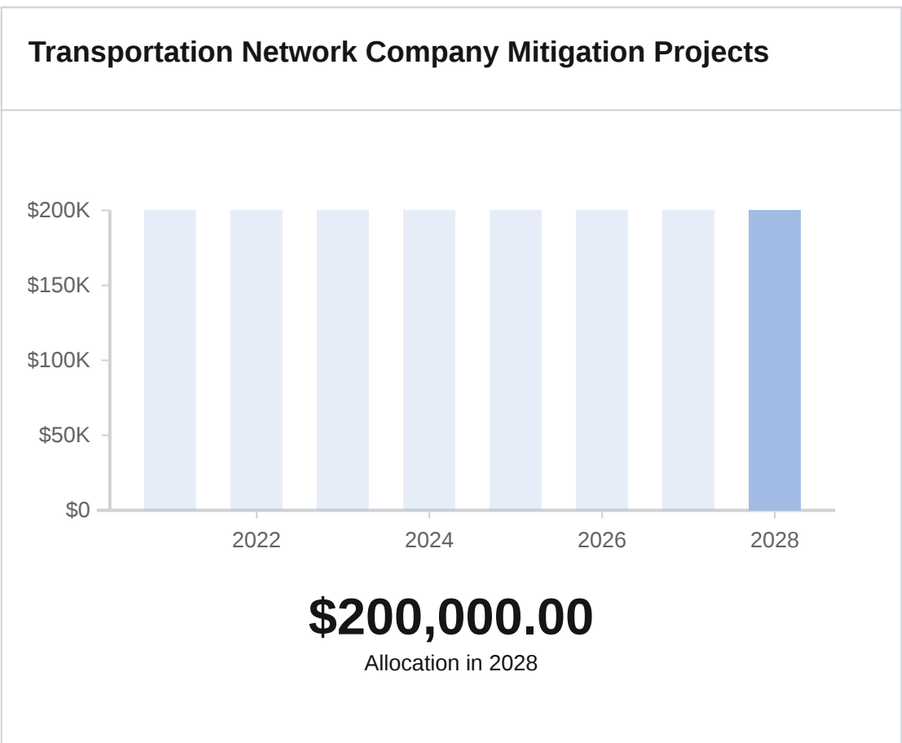
HAMMOND STREET AT WOODLAND ROAD TRAFFIC SIGNAL AND ROAD DIET IMPROVEMENT PLAN

The project is the result of a Town Meeting approved study for safety improvements at the intersection of Hammond Street and Woodland Road which resulted in the recommendation of installation of a Traffic Signal and road diet to improve motor vehicle, cyclist, and pedestrian safety at tis high crass location. The work will include milling and overlaying Hammond Street from Cedar Road to Glenoe Road; new traffic signal equipment including mast arms, traffic signal heads, pedestrian signals, pedestrian count down timers, APS buttons; drainage; cement concrete sidewalks; granite curbing; pavement markings; and other incidental items.



WASH/HARV/KENT/DAVIS TRAFFIC SIGNAL UPGRADE

Given that transportation currently accounts for 43% of all greenhouse gas emissions in Massachusetts, the largest of any one sector, the only way for the Town to meet both the Select Board's commitment to become carbon neutral by 2050 and Town Meeting's December 2019 Healthy & Sustainable Transportation resolution to achieve a mode split of 75% of trips by walking, biking, electric micro-mobility, and public transit (among others), is to invest in and prioritize projects that improve the safety and access of these 'alternative' modes over single occupancy vehicle trips with the eventual outcome of making these modes the norm. Part of this requires the upgrading of our existing infrastructure to not only comply with the federal and state standards around accessibility but also to better meet the needs of pedestrians, cyclists, public transit, and micro-mobility users so that these modes become safer for commuting and recreational purposes.

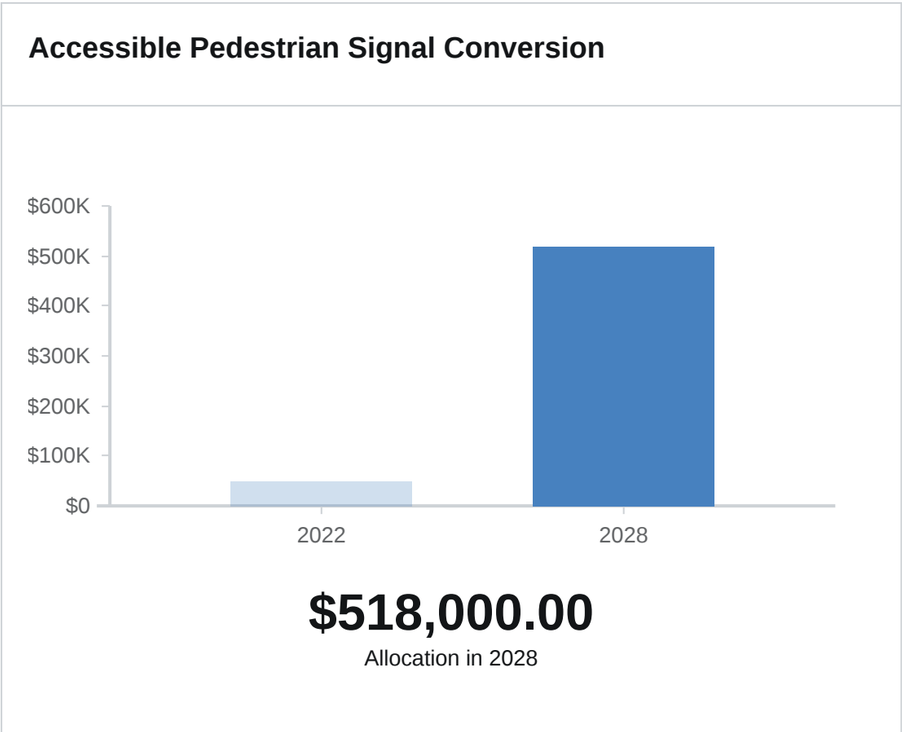


TRANSPORTATION NETWORK COMPANY FUNDS

The Town receives funds from the State assessment on transportation network companies (TNCs), such as Uber and Lyft. One half of the $0.20 per ride assessment was distributed to the Town and can be appropriated "to address the impact of transportation network services on municipal roads, bridges and other transportation infrastructure or any other public purpose substantially related to the operation of transportation network services

in the city or town including, but not limited to, the complete streets program established in [G.L. c. 90I, § 1] and other programs that support alternative modes of transportation." St. 2016, c. 187, § 8(c)(i).

As requested during the November 2018 Special Meeting process the Transportation Division staff will prepare projects and receive Transportation Board approval in advance of the anticipated July announcement of the amount of funds that the Town will receive. While the projects will likely be taken from the Complete Streets Prioritization Plan, the public process will allow for other uses to be explored and considered provided they meet the requirement for appropriation established by MGL. The expectation is that we will approve projects totaling $200,000 (the July 2018 award amount) and have alternative projects ready if the funding level increases. Because of the timing of the announcement and availability of funds for the municipality by the state, the budget item will require appropriation annually as part of the November Special Town Meeting.



ACCESSIBLE PEDESTRIAN SIGNAL CONVERSION

Accessible Pedestrian Signals, including pedestrian pushbuttons and count down timers, are integrated devices that communicate information about the WALK and DON'T WALK intervals at signalized intersections in non-visual formats to vision impaired pedestrians. They play an important role in improving the walkability of our community by aiding vision impaired pedestrians safely navigate signalized intersections by locating the crossing location, activating the pedestrian push buttons, and knowing when it is safe to cross the street. They accomplish this by providing the following features:

- Audio tone to identify the existence and location of the pushbutton
- Direction of travel with raised arrow indicator on push button
- Confirmation of push button activation via latching LED, sound, and tactile bounce
- Cuckoo, Chirp, Rapid Tick, Verbal, or user customized voice messages during walk.
- Audio message on time remaining on walk interval
- Independent ambient adjustment setting for the locate tone which allows fine adjustments for low ambient conditions.

Research has found that having APS signals, including both push buttons and count down timers, improved crossing safety and performance by vision impaired pedestrians including

- More accurate judgments of the onset of the WALK interval reduction in crossings begun during DONT WALK,
- Reduced delay, and
- Significantly more crossings completed before the signal changed.

In 2004, the Federal Highway Administration (FHWA) released guidance on the implementation of the ADA with respect to traffic signals stating "Implementing regulations for Title II of the ADA, which covers State and local governments, also address "communications and information access," requiring 'effective communications' with persons with disabilities. In the sidewalk/street crossing environment, this would include accessible pedestrian signals, markings and signage." Additionally, though not formally approved yet by FHWA, the Accessibility Guidelines for Pedestrian Facilities in the Public Right-of-Way (proposed PROWAG) were published July 26, 2011 and included minimum technical standards that require APS at all newly constructed or reconstructed intersections where visual pedestrian signals are installed. The Town has adopted, as a best practice, the PROWAG standards for use in design and maintenance of our public ways. Though not required until specific projects alter existing traffic signal systems, the Department of Public Works believes that in order to support the walkability of the community for all pedestrians, and to achieve the Town's Climate Change and Healty & Sustainable Transportation Mode Shift goals, we should prioritize the upgrade of our existing traffic signal systems to include APS push buttons and count

down timers on a faster timeline than required by Federal and State agencies.

The Town currently has 34 of 62 traffic signals that do not meet the required standard for PROWAG with respect to the installation of APS equipment. These traffic signals, all installed before 2006, lack APS push buttons and count down timers. Some of these 34 signals have funded upgrades to include APS through private development mitigation, Town funded CIP projects, or federal TIP projects. With the cost of equipment and installation averaging $20,000 per signal system, and given the fact that some traffic signal locations that have other non-CIP money committed to their installation, the estimated cost of this project is $568,000. Although we are seeking inclusion of this full amount within the CIP, the Department will continue to seek alternative funding, including grants, private mitigation and TNC Funds to reduce this amount and complete the project within a faster timeline.

Welcome to Brookline MASSACHUSETTS

Public Works - Engineering/Highway Projects

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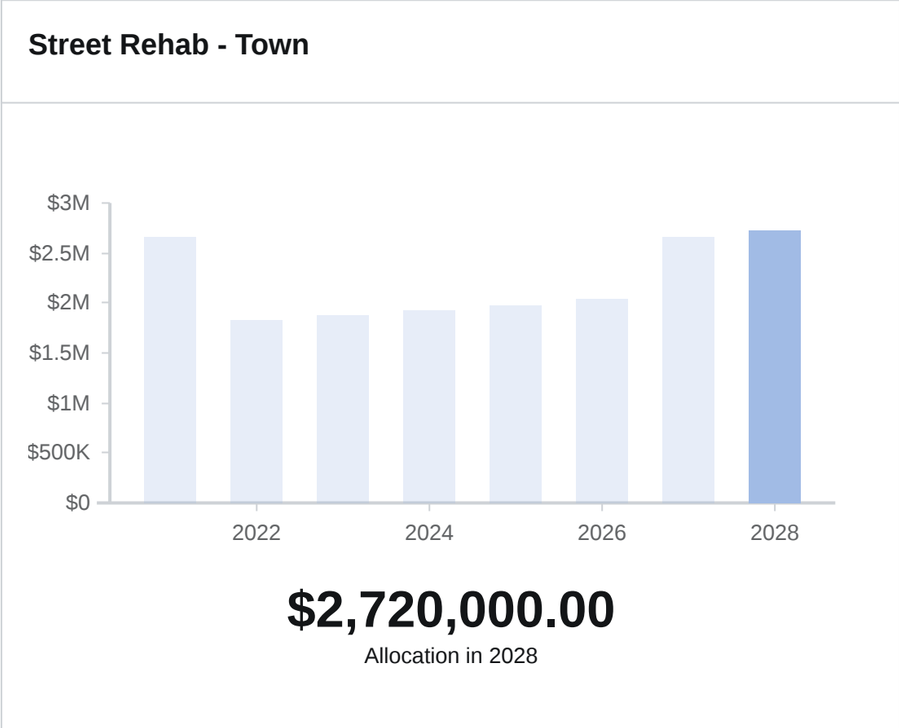
CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	Engineering/Highway																
4	Street Rehab - Town	17,674,916	2,649,916	1,830,000	A	1,880,000	A	1,930,000	A	1,980,000	A	2,030,000	A	2,655,000	A	2,720,000	A
4	Street Rehab - State	7,684,840	960,605	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C
4	Sidewalk Repair	2,936,000	336,000	344,000	A	353,000	A	362,000	A	371,000	A	380,000	A	390,000	A	400,000	A
4	Parking Lot Rehab.	205,000														205,000	A
4	Davis Path Footbridge	13,000,000														13,000,000	B/C
4	Washington St. Rehab and Complete Streets	5,000,000		600,000	A	600,000	A	800,000	A	800,000	A	2,200,000	B				
4	Washington St. Rehab and Complete Streets - Sta	26,000,000										26,000,000	C				
	Public Works - Engineering/Highway Sub-Total	72,500,756	3,946,521	3,734,605		3,793,605		4,052,605		4,111,605		31,570,605		4,005,605		17,285,605	

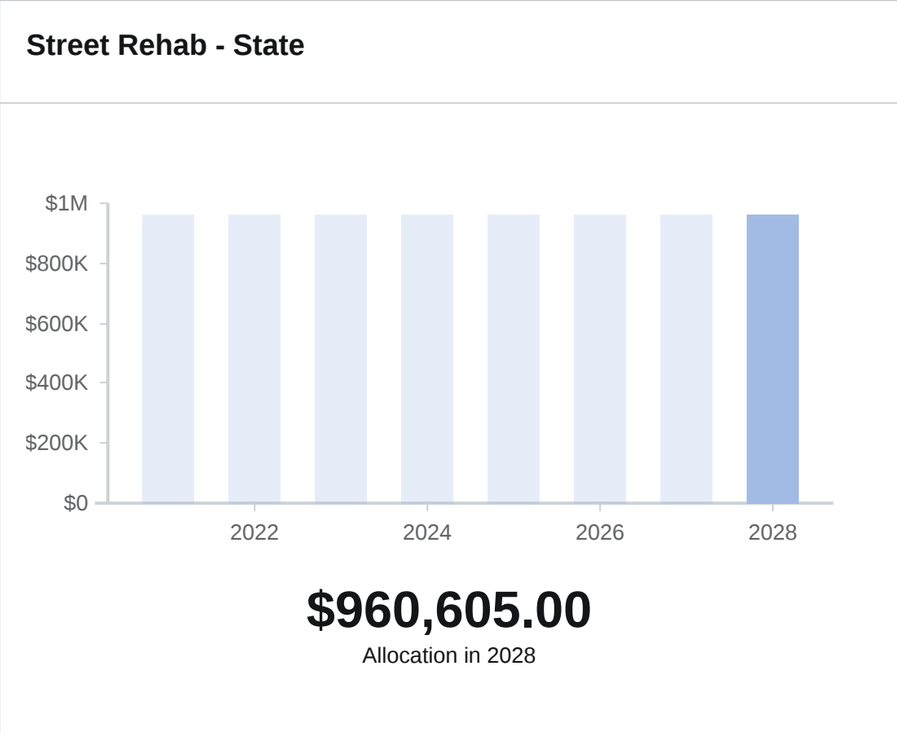


STREET REHABILITATION - TOWN

In 1992, the Department of Public Works (DPW) undertook a comprehensive study of its roads and implemented a pavement management system. The system was designed to bring Town-owned streets to a sufficient level of repair such that the roads could be maintained without undertaking costly full reconstruction. From 1992 to 1997, the Town made some progress in this regard, but funding was inconsistent. Starting in 1997, the Town began allocating $1 million per year to streets, in addition to Chapter 90 funding from the State.

Based on the recommendations of the 2007/2008 Override Study Committee (OSC), the 2008 Override approved by the

voters included $750,000 for streets and sidewalks, to be increased annually by 2.5%.



STREET REHABILITATION - STATE

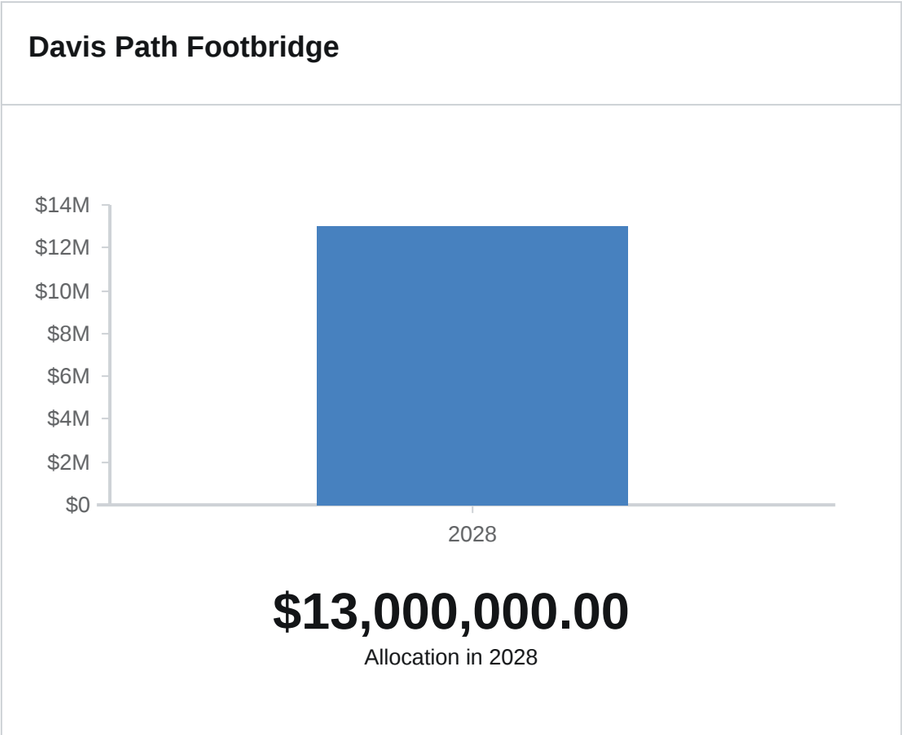
The State provides monies under its Chapter 90 program for improvements to certain streets. About 1/3 of Brookline's streets are eligible for 100% State reimbursement. This money supplements the funding appropriated from Town funds for street rehabilitation. An annual $300 million statewide Chapter 90 program is assumed.

SIDEWALK REPAIR

The Department of Public Works developed a sidewalk management program. Some sidewalks are reconstructed as part of the street reconstruction program; those that are not are funded under this program. Based on the recommendations of the 2007/2008 Override Study Committee (OSC), the 2008 Override approved by the voters included $750,000 for streets and sidewalks, to be increased annually by 2.5%. Of the FY09 override amount, $50,000 was appropriated for sidewalks. In FY21, the appropriation is recommended at $336,000 (the original $200,000 base plus the $50,000 added in FY09 increased annually by 2.5%).

PARKING LOT REHABILITATION

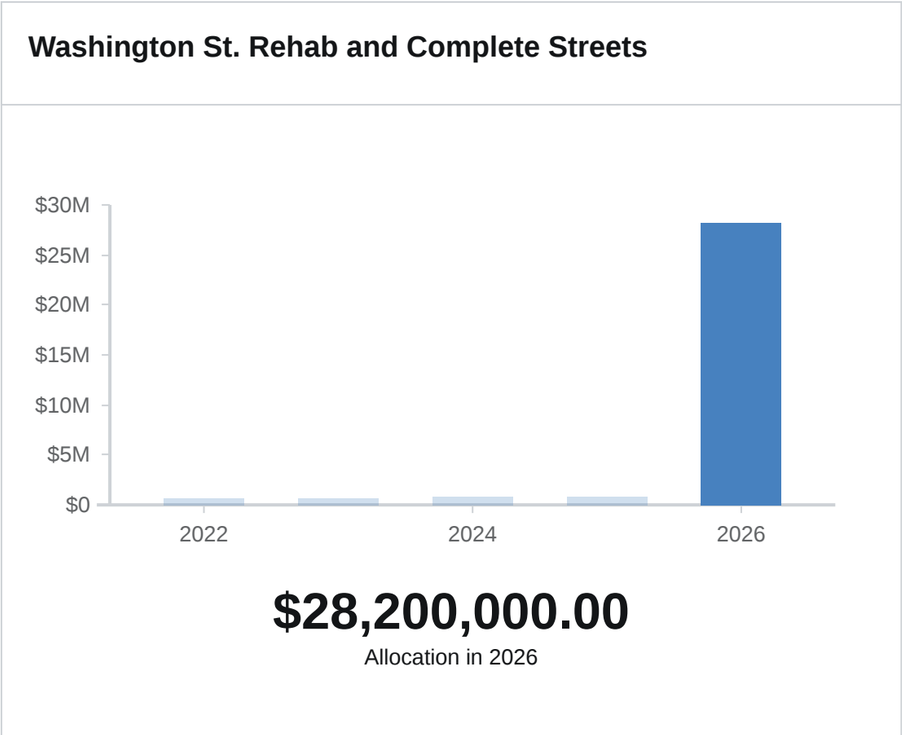
Since its construction in 1965, the Centre Street parking lot has not had any substantial maintenance work done. Repairs have been more reactive and of the "band-aid" type and significant renovations in terms of curbing, pavement, and associated improvements are necessary. There is a great opportunity for the Town to identify and then integrate other needs confronting Coolidge Corner into planning for the parking lot, thereby promoting an efficient use of the publicly owned parcel. The $205,000 shown in Future Years is the estimate for the more traditional repaving and resetting of curbing.



DAVIS PATH FOOTBRIDGE

In FY2018, the CIP funded a feasibility study, including a structural evaluation, of the Davis Path Footbridge that spans the MBTA D-Branch on the Green Line adjacent to Boylston Street Playground. In April 2020, during the course of the feasibility study, the existing span was deemed structurally unsound. An emergency demolition was required to remove the span and restore safety to the site.

Both the Select Board's commitment to become carbon neutral by 2050 and Town Meeting's December 2019 Healthy & Sustainable Transportation resolution to achieve a mode split of 75% of trips by walking, biking, electric micro-mobility, and public transit (among others) require creating new and maintaining existing pedestrian infrastructure throughout the Town. The Davis Path Footbridge provides an important connection in the Town's pedestrian network as a safe north-south connection over the D-Branch to Emerson Garden, Brookline Village and neighborhoods west thereof, and Boylston Street. Additionally it provides a safer pedestrian connection to the Old Lincoln School that expected to be in continue use by the Brookline School Department during both the Brookline High School and Pierce School reconstruction projects. The DPW is planning for a permanent, ADA/AAB compliant replacement bridge that will meet the needs of pedestrians of all abilities.



Washington Street Rehab and Complete Streets

Funding for the project supports design, engineering, analysis, and project management services necessary to assist the Town in obtaining Federal and/or State funding for the rehabilitation of 1.3 miles of Washington Street and associated intersections from Station Street (Brookline Village) northerly up to and including its intersection with Beacon Street (Washington Square). It is anticipated that the Washington Street Rehabilitation and Complete Street Project will score well with the Boston MPO. Based upon the recent Project Review Committee approval, the estimated construction cost for the project is 26 million. The Town funding share is currently estimated at 5 million spread over several years to include preliminary design, public participation, right of way approvals, engineering bid documents, construction oversight, project management, funding assistance, implementation and Town preferred betterments.

The primary goal of this project is not only to rehabilitate a critical arterial roadway that is in poor condition, but to create a true Complete Street throughout the Washington Street corridor. Washington Street is currently constrained with a relatively narrow right-of-way with two lanes of traffic, on street parking in both directions, bicycling, public transit via the Rte. 65 Bus, and significant volumes of pedestrians. Washington Street serves as an important connection between Route 9/Boylston Street and Beacon

Street which is utilized by high volumes of drivers, pedestrians, and bicyclists alike and provides access to 3 commercial districts, public safety facilities, County Court House, and other Town government services including the Library and Town Hall. The roadway and the sidewalks are in poor condition and in need of replacement. The project includes improving safety and operations along the corridor for drivers, bicyclists, pedestrians, and transit users. Successful completion of the project will improve safety, provide efficient traffic operations, expand sidewalk/streetscape, and place making enhancement, and employ complete streets and healthy transportation concepts.

The Washington Street project work elements required by MassDOT include a functional design report, preliminary right-of-way plans, community participation and outreach, preliminary design, state submittals and final design. Town funding over several years will support the associated engineering design services for the preparation of designs, plans, specifications and cost estimates. It will also be used for right-of-way agreements, project oversight, community engagement, and construction services. The first phase of work will include preliminary design and preparation of information and submittals to the Massachusetts Department of Transportation (MassDOT) and the Boston Metropolitan Organization (MPO) to include the project into the Federal and/or State Aid Funding Program.

Welcome to Brookline MASSACHUSETTS

Public Works - Water/Sewer Projects

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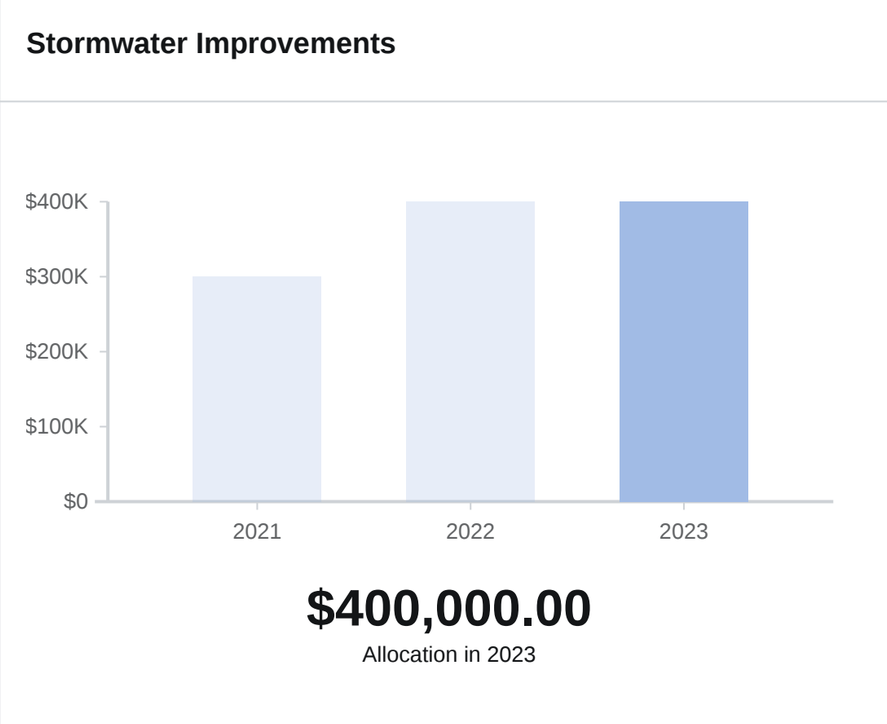
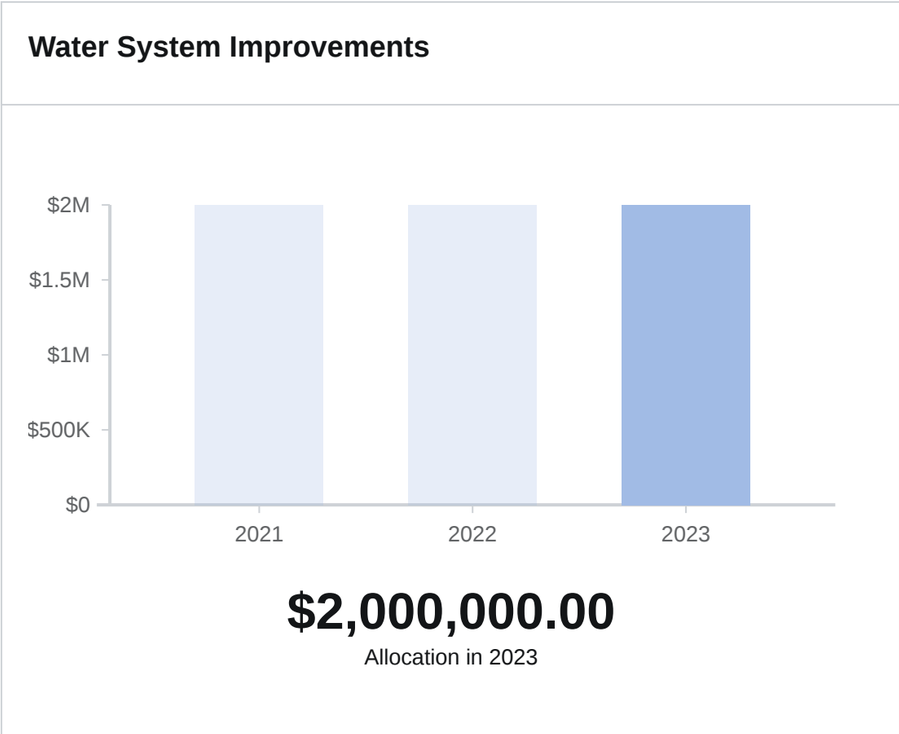
CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	Water / Sewer																
4	Stormwater Improvements	1,100,000	300,000	400,000	F	400,000	F										
4	Water System Improvements	6,000,000	2,000,000	2,000,000	E	2,000,000	E										
6	Water Meter MTU Replacement	560,000	280,000	280,000	F												
4	Wastewater System Improvements	24,000,000	3,000,000	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E
2	Water Garage Elevator Renovation	260,000	260,000														
	Public Works - Water / Sewer Sub-Total	31,920,000	5,840,000	5,680,000		5,400,000		3,000,000		3,000,000		3,000,000		3,000,000		3,000,000	



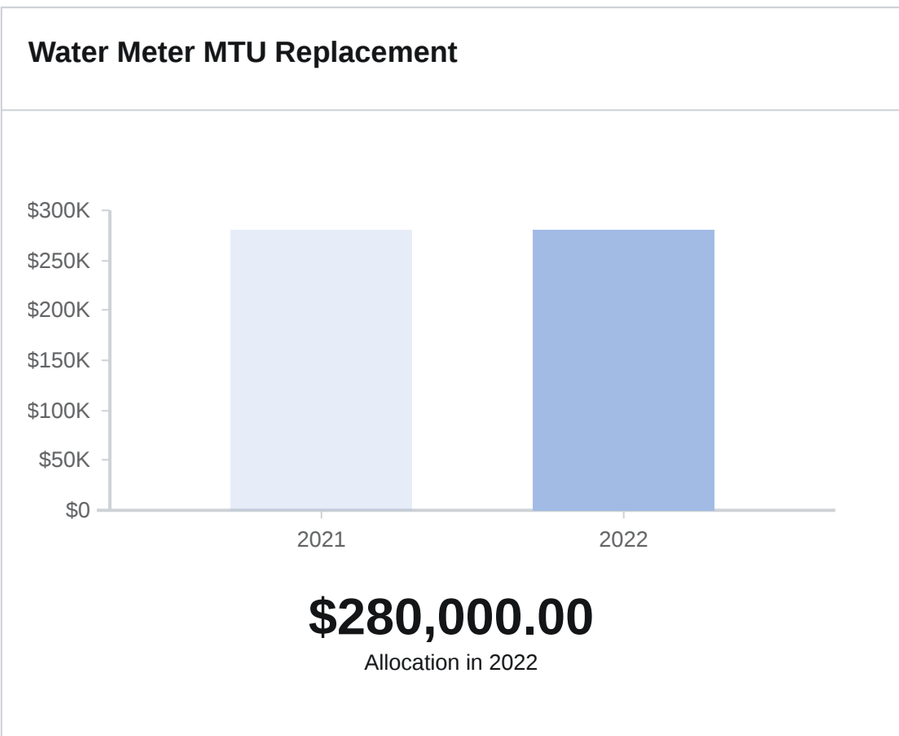
STORMWATER IMPROVEMENTS & PERMIT COMPLIANCE

The EPA's Stormwater Phase II Rule establishes an MS4 stormwater management program that is intended to improve the Town's waterways by reducing the quantity of pollutants that stormwater picks up and carries into storm sewer systems during storm events. This project includes consulting services required for compliance with EPA's Phase II MS4 Permit and installation of structural lining in existing drain crossings along the MBTA C Line and D Line.



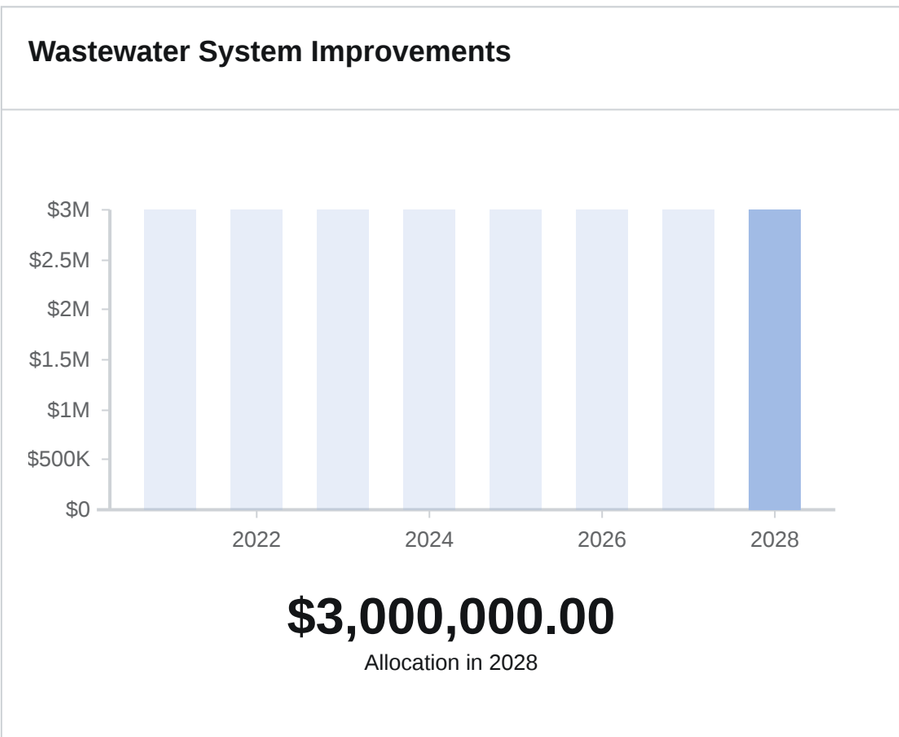
WATER SYSTEM IMPROVEMENTS

Design and construction of proposed water system improvements.



WATER METER MOBILE TRANSMISSION UNIT (MTU) REPLACEMENT

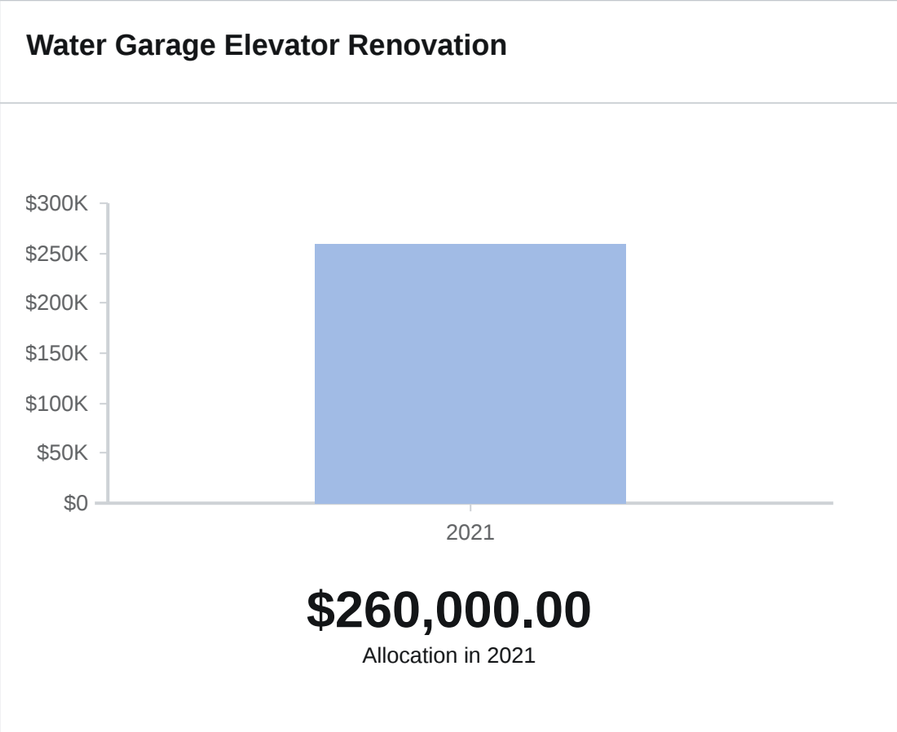
The Town's water meters and infrastructure were installed in 2006. The batteries of the MTU's (mobile transmission units), which transfer meter consumption to the collectors for billing are nearing the end of their useful life. This program will propose to replace all 10,000+/- MYU's over a four year period.



WASTEWATER SYSTEM IMPROVEMENTS

This on-going project provides funding for the rehabilitation of the wastewater collection system (sanitary sewer). Rehabilitation was based on the recommendations of the Wastewater Master Plan completed in 1999. Previously construction projects to correct sewer system deficiencies targeted: 1) structural improvements, 2) sewer and storm drain separation and 3) hydraulic capacity restoration. Moving forward the primary focus will be on the removal of inflow and infiltration sources with the overall goals of eliminating sewerage backups into homes and businesses and lowering MWRA wholesale costs by reducing extraneous flows. Funding for this project should

ultimately enhance the efficiency of the wastewater collection system and help to lower MWRA wholesale costs.



WATER GARAGE ELEVATOR RENOVATION

Upgrades to the 20-year old elevator at the Netherlands Road facility.

Welcome to Brookline MASSACHUSETTS

Public Works - Parks and Playgrounds

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

CATEGORY CODES (CC):
1 = New Facility Construction
2 = Facility Renovation / Repair
3 = Parks/Open Space/Playgrounds
4 = Infrastructure
5 = Vehicles
6 = Miscellaneous

REVENUE CODES (RC):
A = Property Tax/Free Cash/Overlay Surplus
B = General Fund Bond
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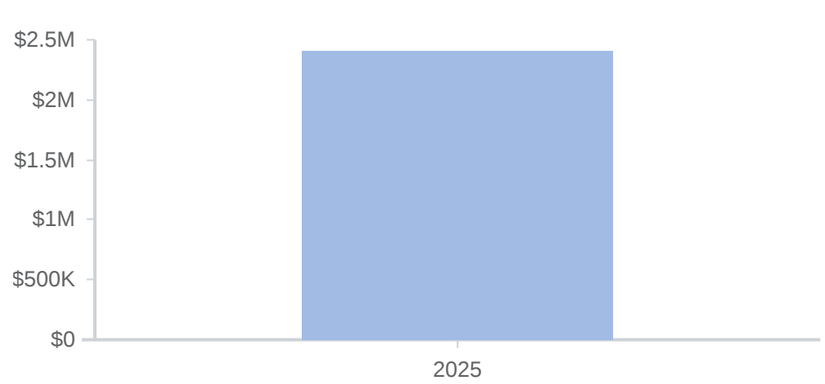
J = Re-Appropriation of Funds
K = Debt Exclusion Override

CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	Parks and Playgrounds																
3	Amory tennis courts, Parking and Halls Pond	2,400,000								2,400,000	B						
3	Fisher Hill Gatehouse Safety and Structural Impr	425,000												425,000	A		
3	Larz Anderson Park	15,000,000	2,200,000					2,500,000	B	1,000,000	B	3,500,000	B			5,800,000	B
3	Murphy Playground	915,000		915,000	B												
3	Riverway Park	625,000														625,000	A
3	Robinson Playground	1,150,000		1,150,000	B												
3	Schick Playground	1,320,000				1,320,000	B										
3	Boylston St. Playground	1,600,000						1,600,000	B								
3	Griggs Park	1,680,000								220,000	A	1,460,000	B				
3	Soule Athletic Fields	4,510,000												410,000	A	4,100,000	B
3	Skyline Park Turf replacement and Park Improve	2,760,000						360,000	A	2,400,000	B						
3	Monmouth Park	1,290,000										90,000	A	600,000	A	600,000	A
3	New Lincoln School Grounds	2,200,000														2,200,000	B
3	Heath School Grounds	2,750,000														2,750,000	B
3	Baker School Grounds	2,960,000														2,960,000	B
3	Longwood Playground/Lawrence Schoool Ground	2,400,000														2,400,000	B
3	Willow Pond Environmental Restoration	3,080,000		280,000	F	2,800,000	B										
3	Parks/Playgrounds Rehab/Upgrade	2,110,000	310,000	260,000	A	100,000	A	140,000	A	320,000	A	325,000	A	325,000	A	330,000	A
3	Town/School Ground Rehab.	1,310,000	165,000	165,000	A	90,000	A	120,000	A	185,000	A	190,000	A	195,000	A	200,000	A
3	Tennis Courts / Basketball Courts	650,000												650,000	A		
2	Comfort Stations	100,000														100,000	A
	Public Works - Parks and Playground Sub-Total	51,235,000	2,675,000	2,770,000		4,310,000		4,720,000		6,525,000		5,565,000		2,605,000		22,065,000	

Amory tennis courts, Parking and Halls Pond

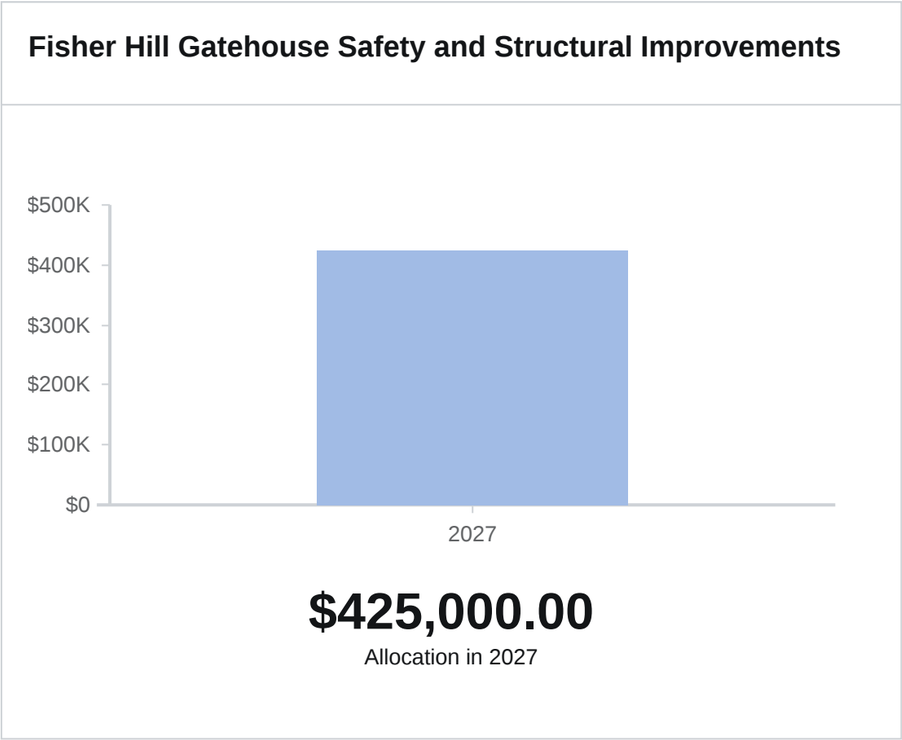


$2,400,000.00
Allocation in 2025

AMORY TENNIS COURTS, PARKING AND HALLS POND RENOVATION

This item includes the reconstruction of the drainage, subgrade, irrigation and clay tennis courts and associated infrastructure at Amory Park. It also allows for improvement to drainage and reconstruction of the parking lot and entrance to the park, picnic areas and includes rehabilitation of the existing boardwalk structure and pathways at the Halls Pond Conservation Sanctuary. The current board walk structure was installed in 2002 as a component of the overall restoration of the entire Conservation Sanctuary. Heavy use of the area is causing the decking and railings of the boardwalk to

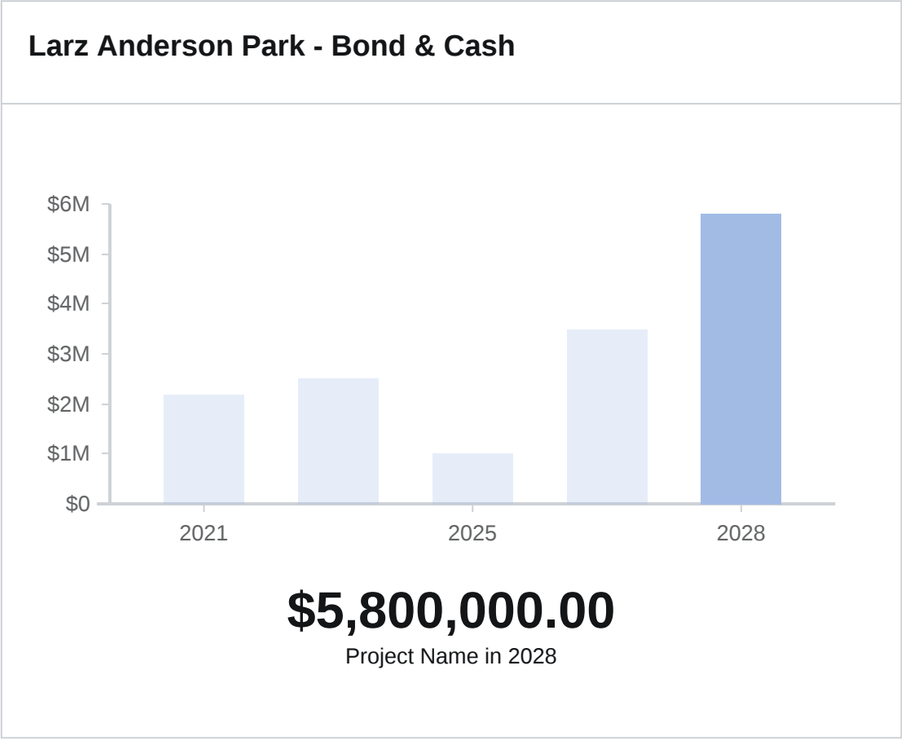
degrade, and the frequency of repairs is increasing. This project will remove the existing decking and railings, leave the piers and substructure in place, and install new pressure treated decking and handrails to ensure visitors will have a safe, and accessible, boardwalk system. This project will impact approximately 600 linear feet of boardwalk with a low bump rail, 140 linear feet with full handrails on both sides, and two overlook platforms.



FISHER HILL GATEHOUSE SAFETY AND STRUCTURAL IMPROVEMENTS

Built in 1887, the Fisher Hill Reservoir Gatehouse was designed by Arthur H. Vinal, City Architect of Boston from 1884-1887. He is best known for his Richardsonian Romanesque High Service Building at the Chestnut Hill Reservoir, also built in 1887. The Gatehouse regulated the flow of water in and out of the reservoir basin and is emblematic of the immense civic pride in public waterworks at the turn of the last century.

The Fisher Hill Gatehouse is in need of interior structural and safety improvements. This project provides for a below grade utility room, floor inserts in the open chambers to make the space safe and accessible, lighting, interior window treatment, painting and repointing.



LARZ ANDERSON PARK

With over 65 acres, Larz Anderson Park is the largest park in Brookline, is listed on the National and State Registers of Historic Places and is the flagship park of the Town with many architecturally significant buildings, structures, fences, pergolas, balustrades, Tempietto, causeway, pedestrian bridge, walls, gates, gardens, athletic fields, play equipment, shelter, comfort station, BBQ picnic areas, walking paths, an ice rink, significant trees, a water body, sweeping slopes and magnificent views of the City of Boston.

The Town has hired Structures North, specialists in historic structures, and Klopfer Martin Design Group, landscape architects to work with the Town on a Master Plan to provide conditions assessment and estimate costs to be phased in over time. Restoration and reconstruction of the deteriorating structures on site is estimated to cost approximately 15.5 M over the next 10 years. Priorities will be based upon the conditions assessment and those elements in most significant need of repair.
Larz Anderson Park shows many traces of the three major cultural influences on the Anderson's aesthetics and lifestyle: Italy, Japan and England. The Andersons had a vision for their Brookline home that would take them nearly 20 years to realize. They hired the landscape architect and artist Charles A. Platt to design a sunken Italian garden at the top of the hill that would embody their love of Italy. The Italian Garden infrastructure that remains is in poor and unstable condition. The request for improvements is to make significant structural repairs to the walks, stairs and walls, restore the gazebo on the east side of the garden (to match the restoration of the west side that was completed several years ago), removal of invasive vegetation and

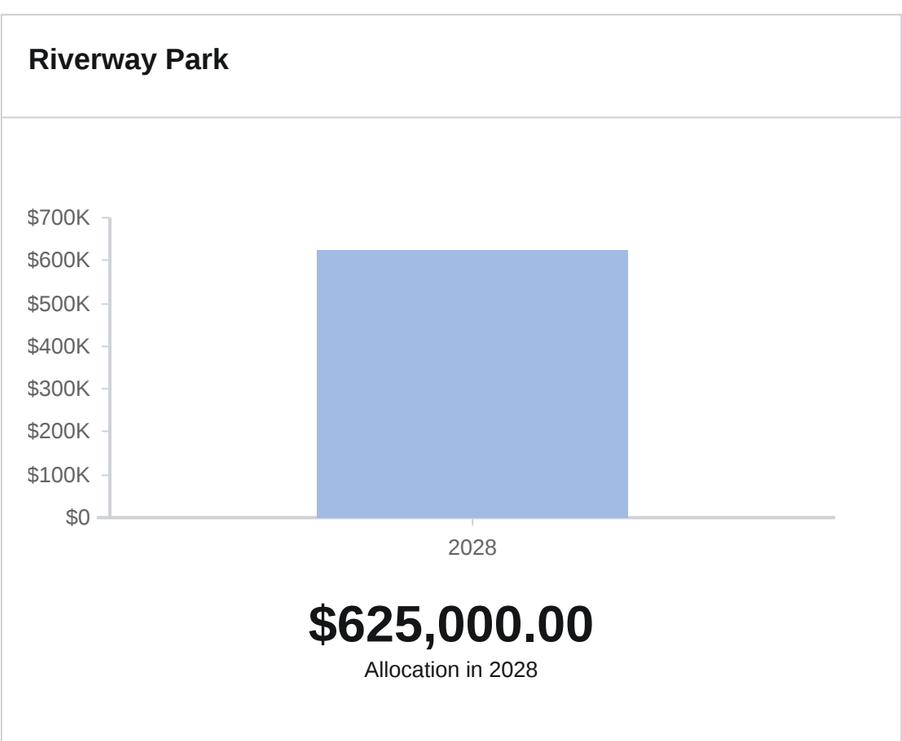
replacement with appropriate planting. In some cases the landings for the stairs are sunken and hollow, pieces of the walls are loose or missing and bricks are falling out and away from the mortar that once held the walls together leading to unsafe and unstable conditions.

Just below the Italian Garden was the Agricultural and Horticultural area for the Anderson Estate. Isabel and Larz had greenhouses, a hen house, a rose garden, garden shed, and maintained extensive agricultural operations to support themselves and their staff. These operations, later to be replaced by the Parks and Open Space Maintenance Garages, were surrounded by significant concrete/stucco walls. The massive walls have shifted significantly and are cracking and deteriorating. The walls and access gate/door are in need of complete replacement (similar to the replacement of the perimeter wall on Goddard Avenue that was completed several years ago).

Phased funding will include Goddard West wall (North, Middle & South), gate replacement, drainage improvements, stairs and handrails, pedestrian paths, doors and archways, accessibility improvements, retaining walls, terrace, exedra and stairs, picnic shelter, playground, plantings and tree management.

MURPHY PLAYGROUND

Murphy Playground, located between Kent, Bowker and Brook Streets, is a bowl shaped park with a noticeable grade change, retaining walls on three sides, play areas and a sloped open grass area. The park was last renovated in 1992 and is in need of renovation, including new play equipment for tots and older children, new perimeter fencing, improved accessibility, restoration of the field, rehabilitation of pathways, new hard court/basketball area, landscape improvements, review of picnic/passive areas, and new water play/spray pool with associated utilities. The design review process will revisit layout, grading, accessibility, safety, and functionality of the park.

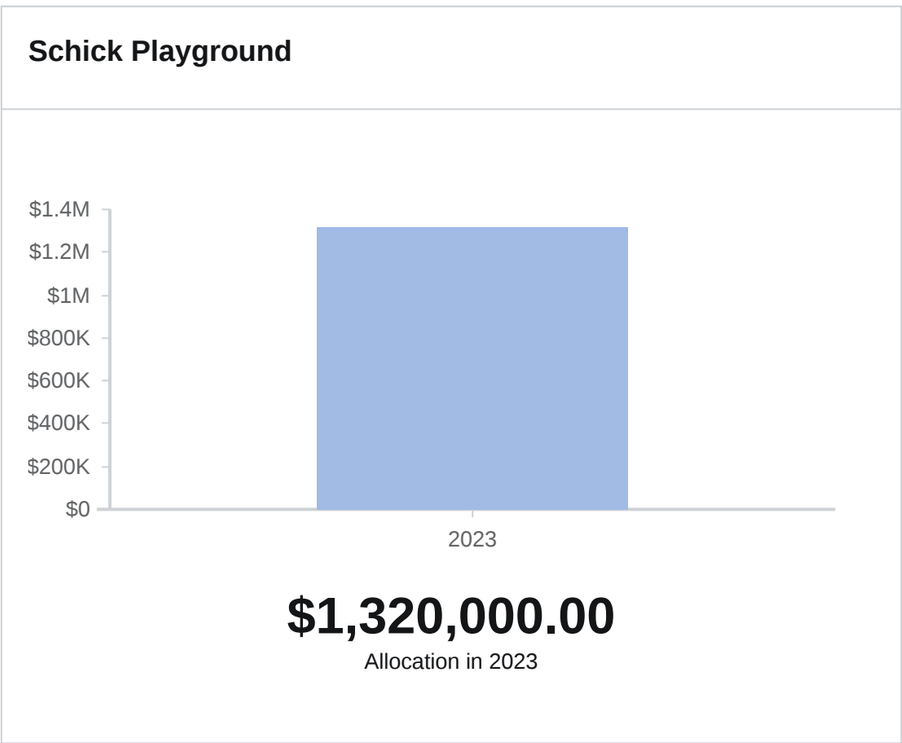


RIVERWAY PARK

This is a continuing project of the Olmsted Park/Riverway Improvements program. This appropriation is for the reconstruction of the riverbanks that have eroded in some places by as much as 10 feet, replacement of failing or hazard trees, edge planting, lawn restoration, rebuilding the path system, and re-grading to prevent future erosion. The project was originally anticipated to be implemented in FY2003; however, with the Brookline/Boston/Commonwealth of Massachusetts/US Army Corps of Engineers joint restoration of the Muddy River, this phase of restoration will be coordinated with the overall flood mitigation, environmental quality, and historic preservation work that is currently being designed and permitted.

ROBINSON PLAYGROUND

Robinson Playground is a 2.38 acre park located between Cypress, High and Franklin Streets in a dense neighborhood. The playground facilities include a youth baseball/softball field, paved basketball court, multi-use court play area, playground equipment, picnic area, and water play. The renovation includes new playground equipment for older and younger children; water play, new irrigation and field renovation; basketball and multi-use court improvements; pathway and drainage improvements; and fence replacement.



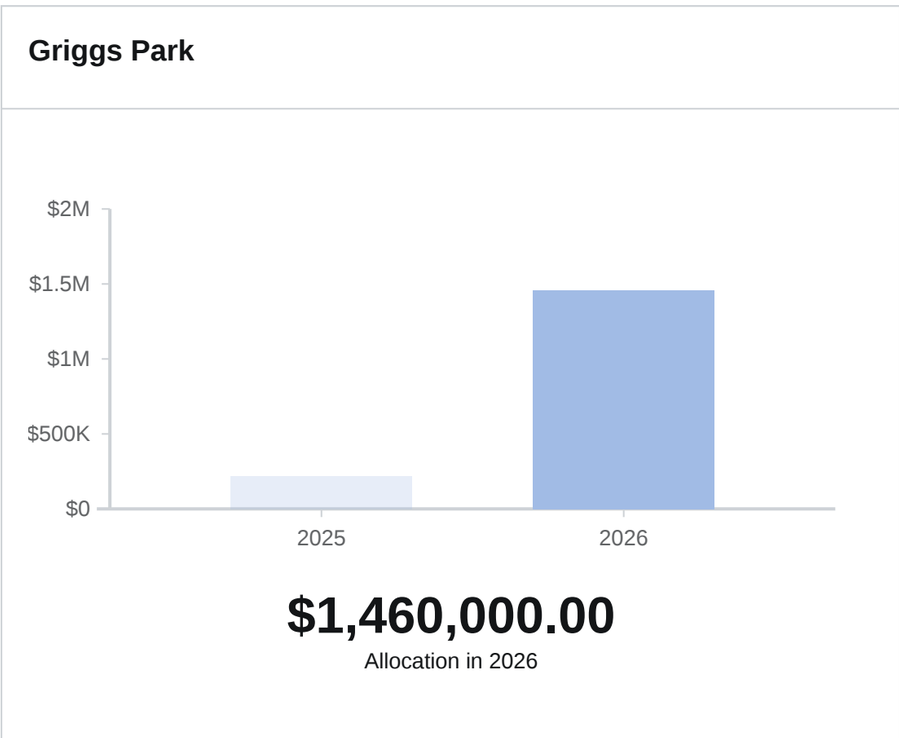
SCHICK PLAYGROUND

Schick Park, located on Addington Road, is in need of a full site renovation to meet new safety and accessibility requirements. Renovations will include new play equipment for older and younger children, repointing the stone walls, repair of the wooden picnic shelter, field renovation, fencing, paving and site furniture.

BOYLSTON STREET PLAYGROUND

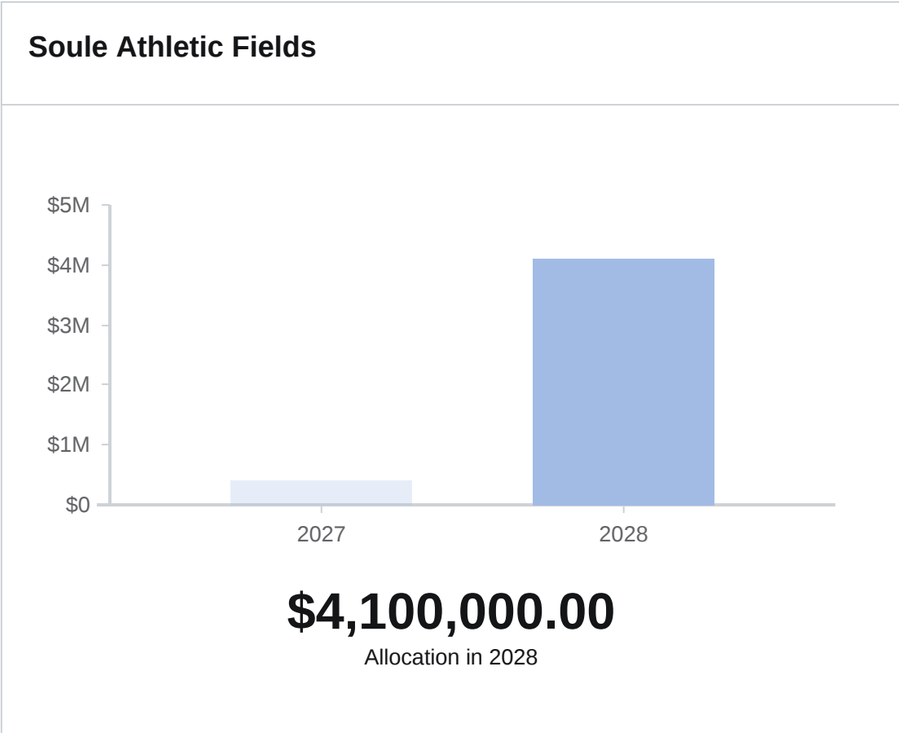
Boylston Street Playground is located on Route 9 in Brookline across from the Old Lincoln School. It has a basketball court, play equipment, water play, picnic and seating areas, and a small athletic field most suitable for youth soccer, softball and baseball practices. In addition to a neighborhood playground, the playground serves as a site for recess and gym classes when the Old Lincoln School is occupied as a temporary school site during school renovation projects. The field is also used by the upper grades for athletic practices as

necessary due to its proximity to the high school. The playground, basketball court, water play and athletic field are in need of full replacement/refurbishment along with associated utility upgrades. The renovation will include accessibility improvements into and through the site, fencing replacement, perimeter wall repointing, lighting to support evening use of the basketball court and social seating/gathering places to best serve community and school use.



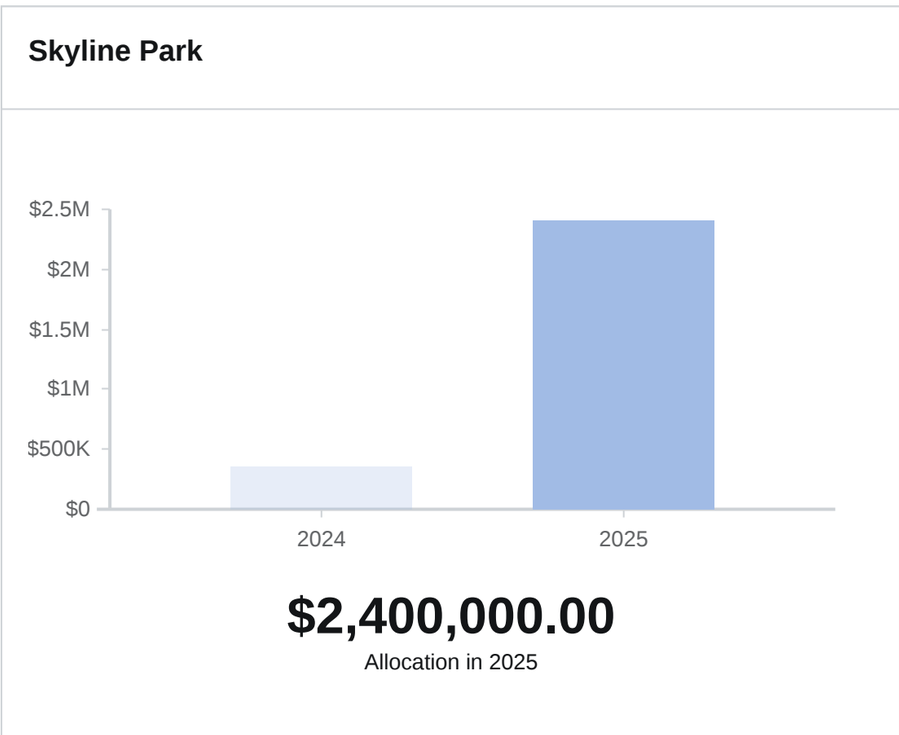
GRIGGS PARK RENOVATION

Griggs Park is located on a former wetland, in an enclave surrounded by houses and apartment buildings between Washington and Beacon Streets. The pathway is circular, rounding a collection of trees and vegetation, an open lawn area, seating and picnic areas, basketball and a playground. The playground was last renovated in 1997 and is overdue for complete renovation. The overall project includes survey, design development, bid documents, engineering and construction to include new and expanded play area, new walking paths, drainage improvements, invasive removal and planting, accessibility improvements, improved entrances, new lawn area, picnic and seating areas, improvements to the basketball area and the addition of adult exercise equipment.



SOULE ATHLETIC FIELDS & SITE RENOVATION

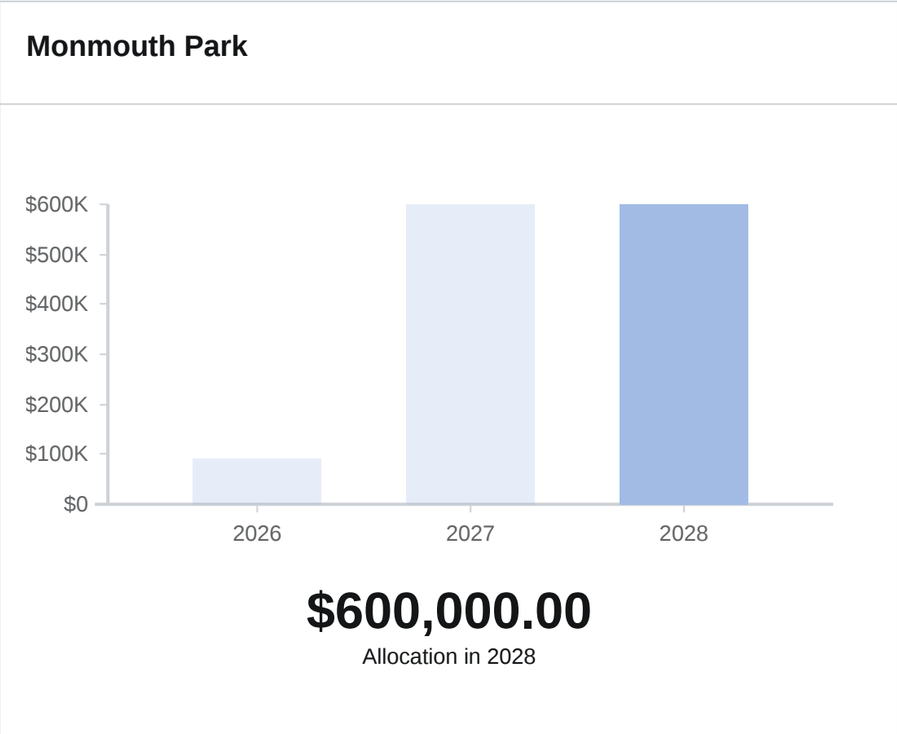
Soule Playground is a 9.49-acre community park located on Hammond Street and includes the Town's Recreation Department pre-school. The site contains two large playgrounds, a splash pad, picnic areas, 2 athletic fields, a gym and abuts the Baldwin school property. The athletic fields on-site serve Town-run daycare programs, multi-age athletic leagues, camps, and residents of all ages and abilities. The circulation, parking and stormwater management of the site are in need of redesign and renovation. Funds will provide for design and construction for increased capacity and improvements to parking areas, the vehicular roadway, pathway connections, stairs and railings, site accessibility, storm drainage improvements, playground replacement, picnic areas, synthetic turf replacement and improvement to Robson Athletic Field (Upper Soule). The playground was installed in 2007 and will be in need of full removal and replacement. The synthetic turf field, installed with the funding assistance of the Brookline Soccer Club, will be due for replacement as well.



SKYLINE PARK SYNTHETIC TURF REPLACEMENT AND PARK IMPROVEMENTS

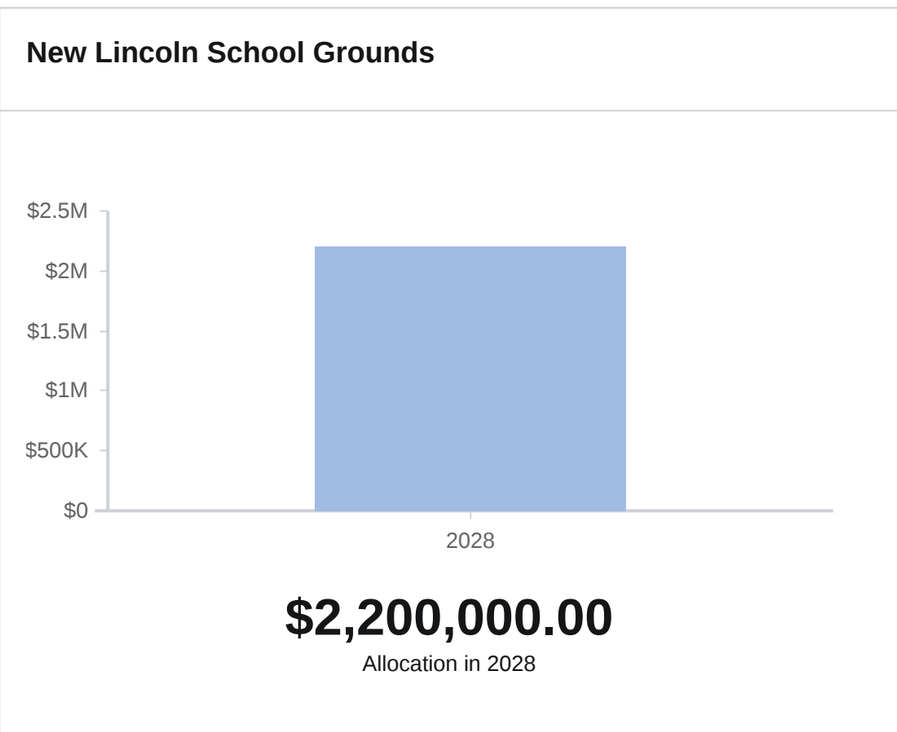
The synthetic turf carpet at Skyline Field is ioverdue for replacement. Synthetic turf fields generally have a life cycle of approximately 10-12 years and potentially sooner depending upon use. The field was installed and opened to the public in June 2008. The existing carpet and infill will be removed and recycled, the drainage layer/subbase will be laser graded, new carpet and natural material infill installed. This project also calls for improvements to

the site furnishings, plantings, pathways, improved connection to Lost Pond Sanctuary, improvements to the comfort station, storage area and site amenities.



MONMOUTH PARK

Monmouth Park is located on St. Mary's Street close to Beacon. It was last renovated in 2006. The park is framed by an ornamental fence, has mature trees, stone seat walls, a walking path, bluestone plaza, lawn area, and playground. The park is located next to the Brookline Arts Center which was located here after an old chemical firehouse was remodeled in 1968. In Fall 2002, Town Meeting voted for both lots to be protected under Article 97. The playground is in need of full replacement. As part of the renovation, the lawn will be refurbished, plantings replaced, masonry repaired and plaza space repaired.

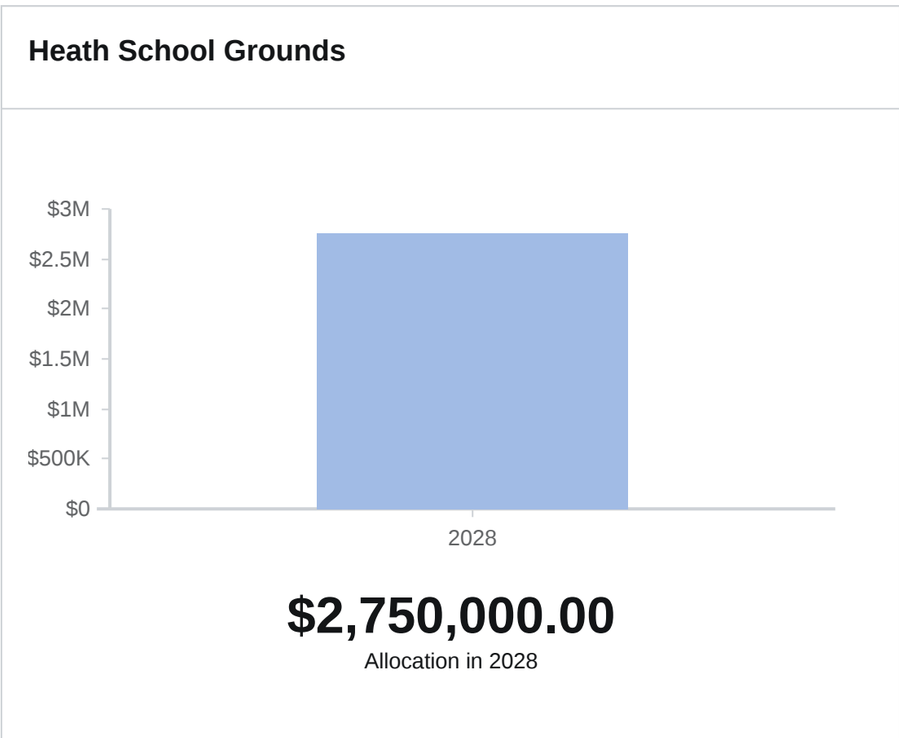


NEW LINCOLN SCHOOL GROUNDS

The Town acquired the New Lincoln School property, located on Kennard Road, as two parcels from the Park School Corporation for $400,000 in 1970 "for the purpose of the public schools." The property is located within the Town Green Historic District and is on the National and State Registers of Historic Places. The new school and grounds were completed in 1994 and included extensive play structures and a multi-use field. The Hill-Kennard house became the home of the Brookline Music School. Portions of the brick perimeter wall located along Kennard and Walnut Streets were repaired in 2005.

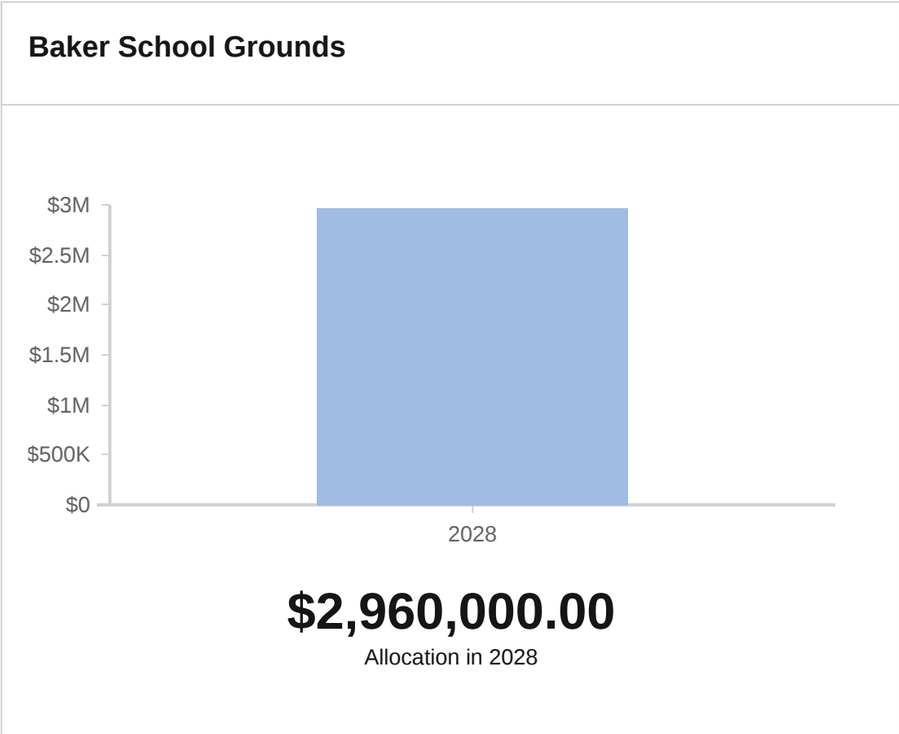
The school grounds are in need of complete renovation including full replacement of the

playgrounds, edging and safety surfacing, refurbishment of the courtyard, basketball court and hardcourt play areas, drainage improvements, accessibility improvements, refurbishment of the paths, stairs and railings, replacement the field play area and irrigation, planting area improvements, retaining walls reconstruction, site furniture, school garden and resurfacing of the parking areas.



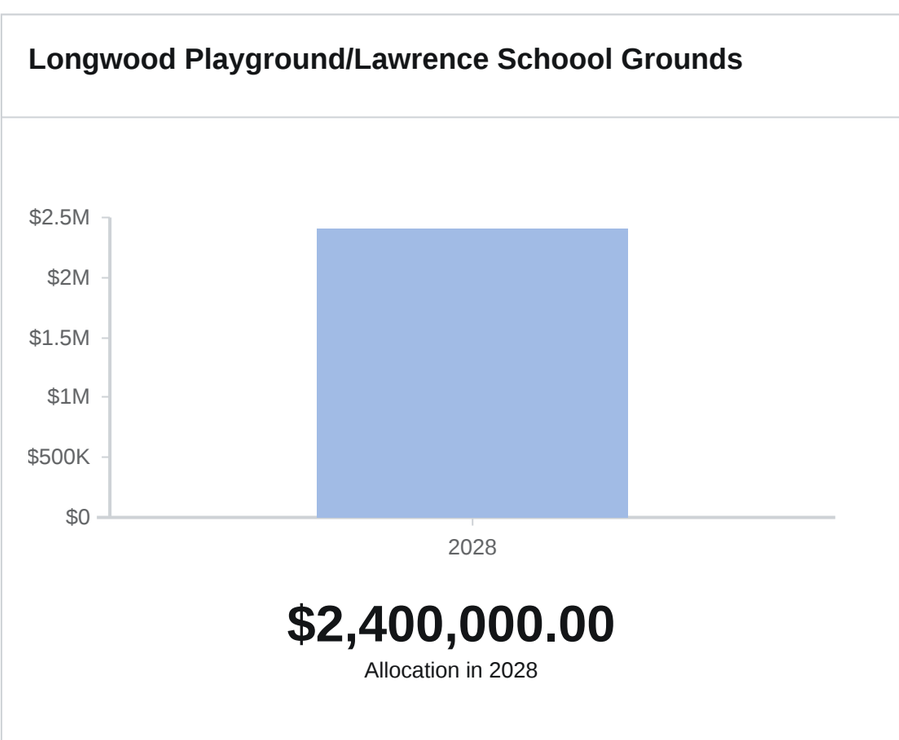
HEATH SCHOOL GROUNDS

The Heath School playground is defined by a row of uniformly mature oaks along the front entrance of the school at Eliot Street, the slope at the rear of the property, and the planted courtyard in the school atrium. Currently the playground has landscaping, two basketball half-courts, hardcourt play space, gaga ball, two playground areas, school garden beds, a sledding hill and an informal natural turf field. It was renovated in 1996. Both the younger children's play area, installed in 1996, and the older children's play area, retrofitted in 2005, are in need of replacement, expansion, accessibility improvements and new safety surfacing. Improvements are needed on the turf field, hardcourt areas, drainage and erosion improvements and the parking areas are in need of resurfacing.



BAKER SCHOOL GROUNDS

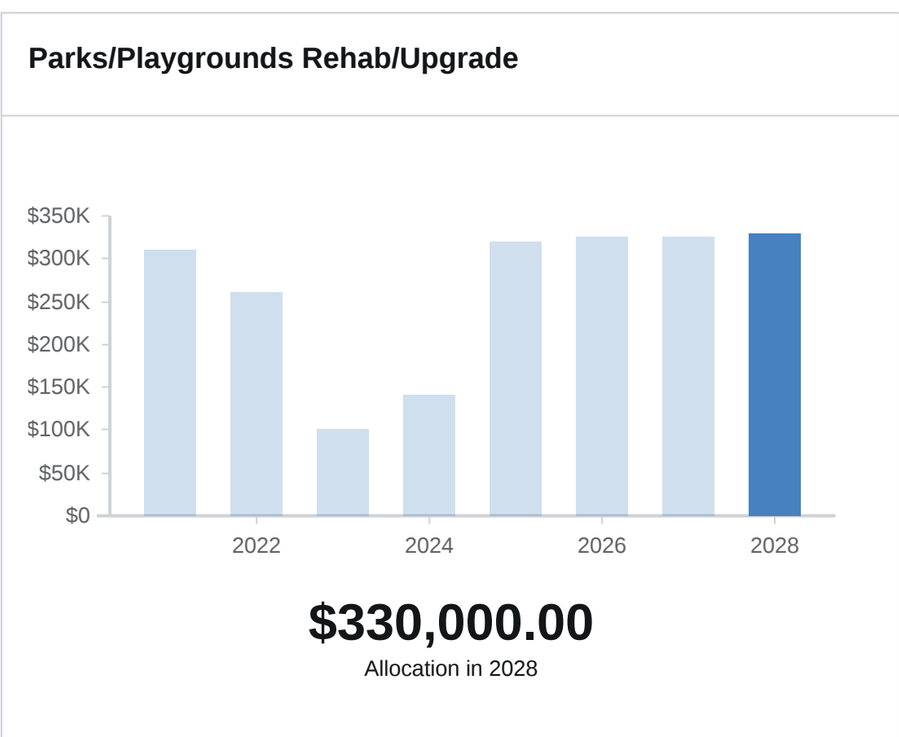
The 11.27-acre Baker School property was purchased in 1935 in conjunction with the building of the Baker School. Baker School Playground is notable for its significant grade change. The highest point is in the front playground and field area, with a steep drop into D. Blakely Hoar Sanctuary. The topography divides the playground into separate areas, with each having its own use and activity. Additional character definition is provided by the mature oaks and garden located at the front of the property. The recreational facilities include 5 tennis courts, a play equipment area, one and one-half basketball courts, and a softball infield. School and physical education programs occupy the fields from 8 AM to 4 PM during weekdays while youth baseball, youth soccer, and men's softball use field areas at other times. The playgrounds, tennis courts, basketball court and hardcourt play area, parking areas, stairs, railings, athletic field, irrigation, fencing, drainage, utilities and furniture are all in need of replacement, refurbishment and accessibility improvements.



LONGWOOD PLAYGROUND/LAWRENCE SCHOOL GROUNDS

Situated in a bowl, the perimeter of Longwood Playground is lined with mature trees. The consistent site furniture provides continuity, while the variety of plantings creates interest. The recreational facilities are multiple yet organized; the slopes of the land dictate the location of the field, and all other facilities are located around the field. Stone, boulder, and brick retaining walls add quality to the park. There are several pleasant seating areas sprinkled throughout the park.

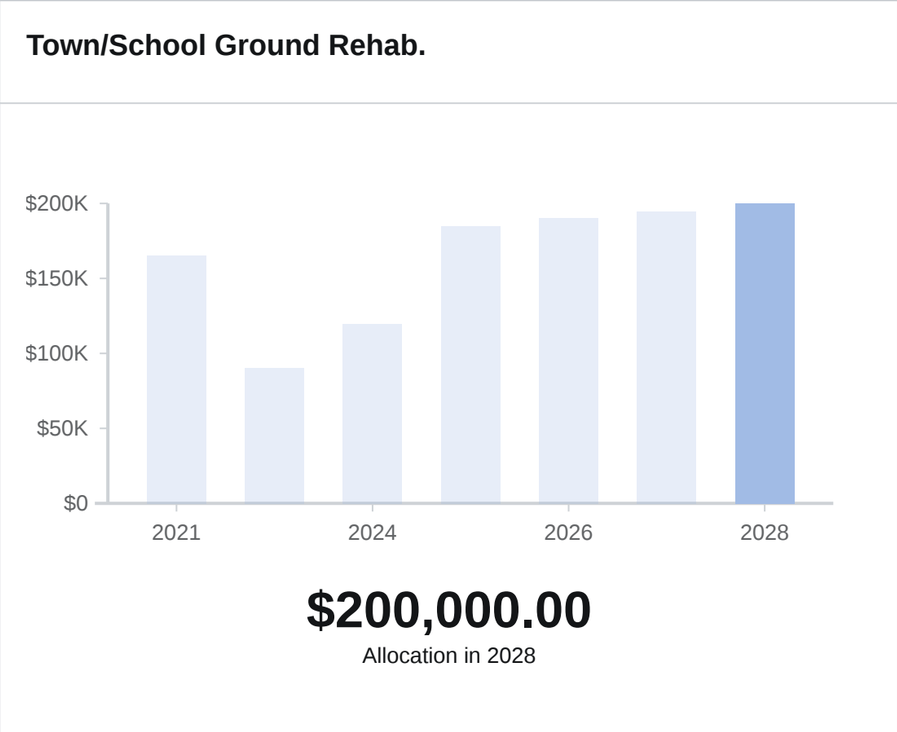
During the week, the park serves the Lawrence School's recess periods, physical education and after school programs. The field is programmed for after school sports and the site is used for summer camp programs. The park is developed with 2 separate play areas, one designed for school age children and the other for pre-school and kindergarten age children. Three tennis courts are located at the eastern edge of the playground. Two short combination softball and youth baseball infields are provided, however the area is too small for simultaneous play and men's softball in either field. A well-developed pedestrian path system exists around the field. The purpose for 2 infields is to provide additional space for youth baseball practice. The site can accommodate a 40 x 60 yard soccer field. school building and the park were renovated in 2003. This site sees a tremendous amount of use year round. The playgrounds, safety surfacing, athletic fields, hardcourt space are in need of replacement, significant grading and drainage improvements are needed on the grounds as the site slopes to the athletic field, the entrances, pathways, plaza space, seating, water play and perimeter plantings are all in need of replacement.



PARKS AND PLAYGROUNDS REHABILITATION & UPGRADE

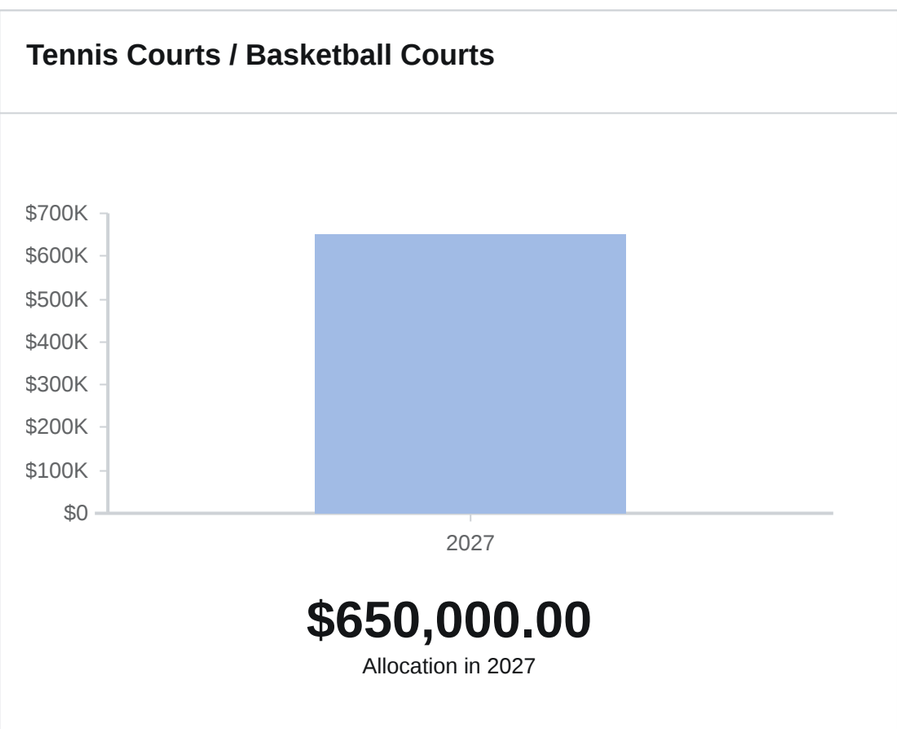
This annual, town-wide program directs CIP funds to the evaluation, repair and replacement of unsafe and deteriorating park, playground, fence, and field facilities or components. Items funded under this program include fences, gates, backstops, retaining walls, picnic furniture, turf restoration, infield refurbishment, bench

replacements, play structures, safety surfacing, and drainage improvements. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.



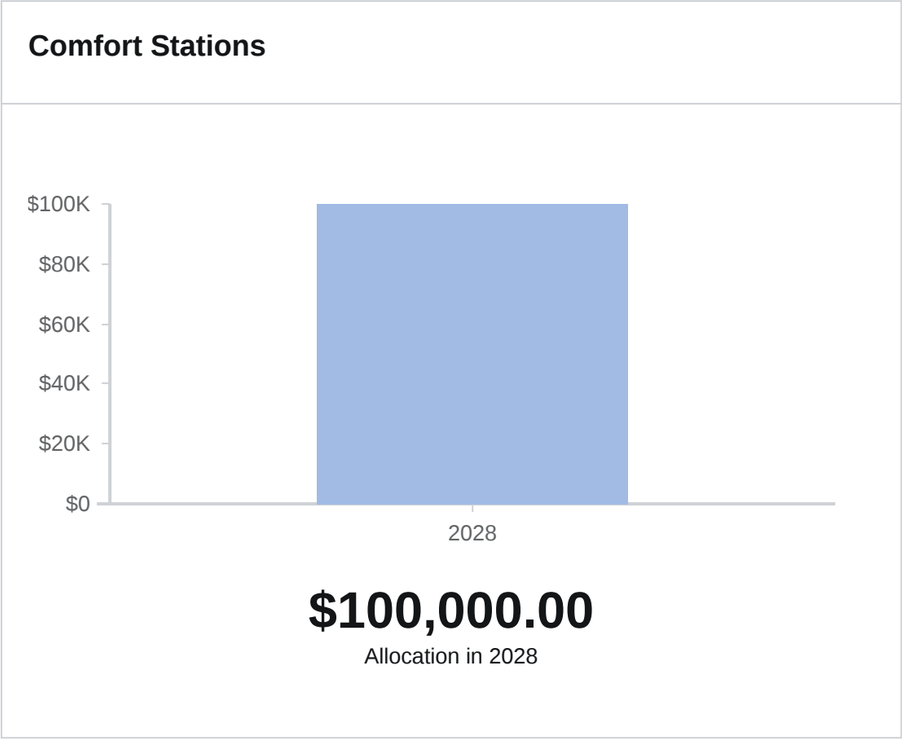
TOWN/SCHOOL GROUNDS REHAB

Town and School grounds require on-going structural improvements and repair. These funds will be applied to create attractive and functional landscapes and hardscape improvements including plant installation, regrading, reseeding, tree work, repair to concrete or asphalt walkways through the site, trash receptacles, bike racks, drainage improvements, retaining walls, and repairs to stairs, treads, railings, benches, or other exterior structures. This funding does not include capital replacement of areas over building structures or directly connected to the buildings, such as entrance stairways and ramps into the building that are under the Building Department's jurisdiction. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.



TENNIS COURTS/BASKETBALL COURTS

The Town has over 19 basketball courts and 36 hard-surface tennis courts. Over time, the court surfaces begin to deteriorate, crack, and weather. In order to maintain the integrity, safety, and playability of the courts, the Town needs to plan for the phased reconstruction/renovation/resurfacing of the courts, lighting and drainage improvements.



COMFORT STATIONS

Brookline has 8 comfort stations that are located in various parks and playgrounds throughout Town. The restrooms are open to the public 7 days a week 7+months out of the year and serve thousands of people daily. The Division has made efforts to upgrade dilapidated facilities as parks are renovated. This funding item is intended to address fixtures, drainage, ventilation, partitions and accessibility improvements to the comfort stations system-wide to avoid more costly improvements at a future time.

Welcome to Brookline MASSACHUSETTS

Public Works - Conservation/Open Space

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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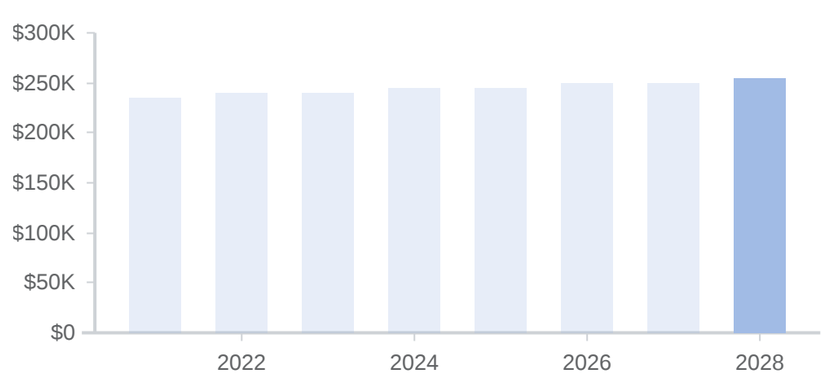
CC		Total	Prior Year (FY21)	FY2022		FY2023		FY2024		FY2025		FY2026		FY2027		Future Years	
				Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC
	PUBLIC WORKS:																
	Conservation/Open Space																
3	Tree Removal&Repl/Urban Forestry Mgmt	1,960,000	235,000	240,000	A	240,000	A	245,000	A	245,000	A	250,000	A	250,000	A	255,000	A
3	Old Burial Ground	250,000														250,000	A
3	Walnut Hills Cemetery	770,000														770,000	I
	Public Works - Conser /Open Space Sub-Total	2,980,000	235,000	240,000		240,000		245,000		245,000		250,000		250,000		1,275,000	

Tree Removal&Repl/Urban Forestry Mgmt



$255,000.00

Allocation in 2028

TREE REMOVAL AND REPLACEMENT / URBAN FORESTRY MANAGEMENT

The tree removal and replacement program represents the Town's effort to balance street tree removals with plantings. As trees mature or are impacted by storm damage or disease, it is critical to remove these before they become public safety hazards. New tree plantings are also critical, as they directly impact the tree-lined character of the community, improve stormwater quality, provide oxygen, reduce heat impact in the summer, and improve the overall quality of life in Brookline. In addition, funding is included for on-going management work in the four conservation properties (Hall's Pond Sanctuary, Amory Woods Sanctuary, D.

Blakely Hoar Sanctuary, and the Lost Pond Sanctuary) and parks. Storm damage, disease, and old age continue to reduce tree canopies. The funds will be utilized to remove hazard trees and provide structural, health, and safety pruning to prolong the life and viability of our significant trees. New trees will be planted in anticipation of the ultimate loss of existing mature trees. Included in the requested annual amount is funding for Urban Forest Management to address a range of significant improvements needed, such as: tree removals, crown thinning, soil amendments, woodland canopy gap management, invasive removal, pest management, health and structural pruning, and planting throughout the Town's parks and open spaces. This program will help with resiliency to disease, pests and rapid decline attributed with trees unmanaged in an urban environment. The first phase of work will be performed in collaboration with the Olmsted Tree Society of the Emerald Necklace Conservancy who has worked with the Town of Brookline, City of Boston and Commonwealth of Massachusetts on an Urban Forestry Management Plan for the Emerald Necklace. The work outlined in this plan will be supported with public, private and grant funding. The protocol outlined in the plan shall be used to plan for and address urban forestry management priorities throughout Town.

OLD BURIAL GROUND

The Old Burying Ground, located on Walnut Street, is Brookline's first cemetery. Although the cemetery dates back to 1717, its appearance today reflects the ideals of the 19th century rural cemetery movement. The cemetery is listed as part of the Town Green National Register Historic District. It has been featured in a publication by the Massachusetts Department of Environmental Management entitled "Preservation Guidelines for Historic Burial Grounds and Cemeteries". Research completed by both landscape architects and specialists in monument conservation indicates that the Town has much work to do in restoring the perimeter walls, markers and footstones, tombs, and monuments, as well as landscape improvements.

WALNUT HILLS CEMETERY

The Walnut Hills Cemetery was established by the Town in 1875. Designed to preserve the natural features and effects for the landscape, the Cemetery provides visitors with a place of solace, natural beauty and quiet charm. The Walnut Hills Cemetery was listed in the National and State Registers of Historic Places in 1985.

In 2004, the Town completed a master plan for the Cemetery in order to set the parameters necessary to meet town cemetery needs of the future while maintaining the visual, service, quality and other features that make the Cemetery such a valuable historic cultural resource for the Town.

Current plans for the $770,000 in Future Years, intended for lot expansion, is to use a combination of Town Tax dollars, cemetery perpetual care fund (SW01) and an

expendable cemetery trust fund (TW23). A bond authorization with debt service funded from these accounts is also a possibility. Meetings with the Trustees will continue, and they will include discussions regarding potential changes to how revenues received for the sale of lots is currently split.

Welcome to Brookline MASSACHUSETTS

Recreation Projects

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

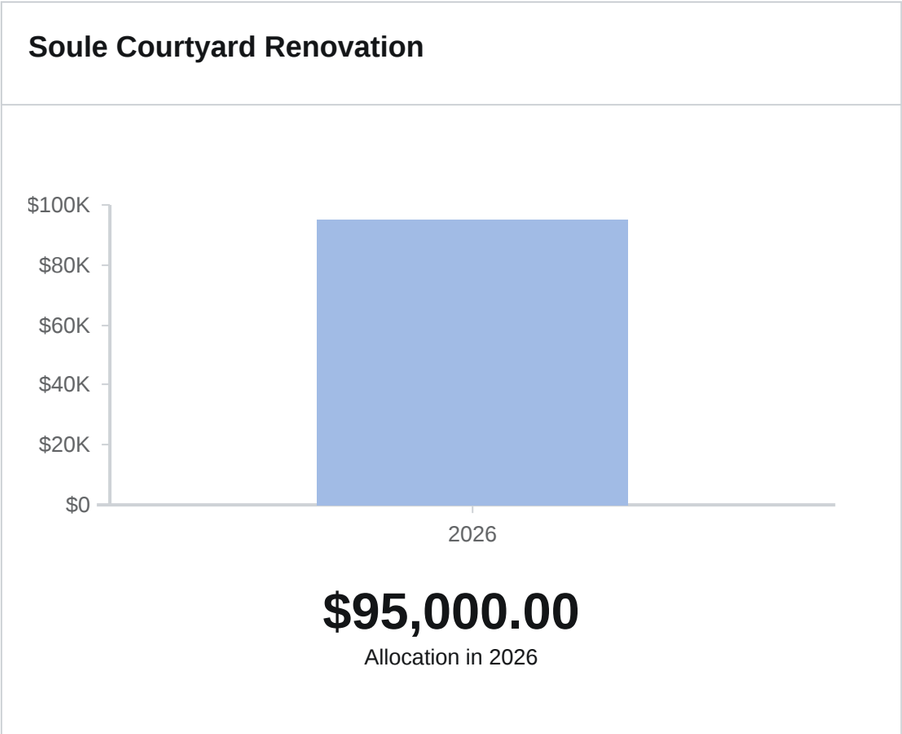
CATEGORY CODES (CC):
1 = New Facility Construction
2 = Facility Renovation / Repair
3 = Parks/Open Space/Playgrounds
4 = Infrastructure
5 = Vehicles
6 = Miscellaneous

REVENUE CODES (RC):
A = Property Tax/Free Cash/Overlay Surplus
B = General Fund Bond
C = State / Federal Aid
D = Golf Budget
E = Golf Bond
F = Utility Budget
G = Utility Bond
H = CDBG
I = Other
J = Re-Appropriation of Funds
K = Debt Exclusion Override

CC		Total	Prior Year (FY21)	FY2022 Amount	FY2022 RC	FY2023 Amount	FY2023 RC	FY2024 Amount	FY2024 RC	FY2025 Amount	FY2025 RC	FY2026 Amount	FY2026 RC	FY2027 Amount	FY2027 RC	Future Years Amount	Future Years RC
	RECREATION																
2	Eliot Rec Improvements	775,000														775,000	A
3	Soule Courtyard Renovation	95,000										95,000	A				
	Recreation Total	870,000	-	-		-		-		-		95,000		-		775,000	

ELIOT RECREATION CENTER IMPROVEMENTS

The Eliot Recreation Center is home to many of Brookline Recreation's Administrative staff and houses many community programs and services. The center is in need of renovations including an updated HVAC system, as well as utility and network infrastructure upgrades. The project includes an additional 1000 sq ft space build out over the current boiler room to accommodate a badly needed conference room as well as upgrades to the perimeter drains around the building. Historically, there have been drainage issues that have impacted the first floor during significant weather events.



SOULE-COURTYARD RENOVATION

Soule Early Childhood Education Center's philosophy supports nature, diversity, and discovery. This school is 100% cost recovery. We are looking to more formally design an outdoor classroom space, to help them achieve the mission. We currently utilize the Soule Courtyard for an outside classroom space, but it has fallen into disrepair and is in need of a capital improvement to re-design to make space more developmentally appropriate for the growing school. The project is in a space is approximately 3,100 square feet. Historically, during significant weather events, there have been drainage issues that have impacted the wood frame of outdoor space (Soule Structure). The project would start with removal of the current asphalt, assessing for appropriate drainage and assessing Soule building structure base for weather damage. Replacing the pavement with a more weather proof natural surfacing and materials. We expect $10,000 for feasibility, design and specs. We expect $75,000 for construction and $10,000 for equipment such as wood structure to frame the sand box and other equipment to enhance the usability of space. Areas of play would be designed.

Welcome to Brookline MASSACHUSETTS

School Projects

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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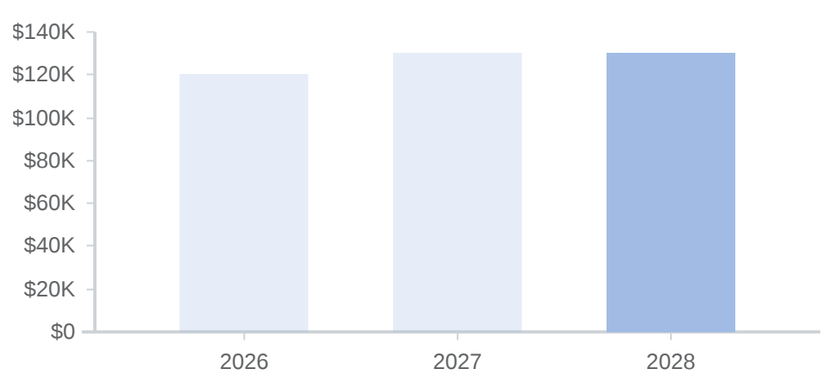
K = Debt Exclusion Override

CC		Total	Prior Year (FY21)	FY2022		FY2023		FY2024		FY2025		FY2026		FY2027		Future Years	
				Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC	Amount	RC
	SCHOOL																
6	Furniture Upgrades	380,000										120,000	A	130,000	A	130,000	A
2	HVAC Equipment	830,000	150,000					80,000	A			100,000	A	100,000	A	400,000	A
2	Underground tank removal	150,000										100,000	A			50,000	A
2	Town/School ADA Renovations	720,000	80,000	85,000	A	85,000	A	90,000	A	90,000	A	95,000	A	95,000	A	100,000	A
2	Town/School Elevator Renov. Program	700,000	200,000					100,000	A			300,000	A			100,000	A
2	Town/School Energy Conservation Projects	1,525,000	190,000	165,000	A	100,000	A	205,000	A	205,000	A	215,000	A	220,000	A	225,000	A
2	Town/School Energy Management System	875,000	125,000			100,000	A			130,000	A	135,000	A	135,000	A	250,000	A
2	Town/School Bldg Envelope/Fenestration Rep	6,500,000		750,000	B			1,500,000	B	1,850,000	B					2,400,000	A/B
2	Town/School Roof Repair/Repl. Program	9,450,000	3,100,000			650,000	B			1,700,000	B					4,000,000	A/B
2	Public Building Fire Alarm upgrades	2,060,000	300,000	175,000	A			225,000	A			310,000	A	700,000	A	350,000	A
2	Town/School Bldg Security / Life Safety Sys	1,530,000	160,000	170,000	A	170,000	A	170,000	A	170,000	A	190,000	A	300,000	A	200,000	A
2	Town/School Compactor Replacements	50,000														50,000	A
2	School Rehab/Upgrade	135,000														135,000	A
2	Pierce School	-				TBD	K										
2	Classroom Capacity	13,465,186	1,644,831	1,733,928	A	1,794,410	A	1,848,592	A	1,903,350	A	1,620,037	A	1,620,037	A	1,300,000	A
	School Total	38,370,186	5,949,831	3,078,928		2,899,410		4,218,592		6,048,350		3,185,037		3,300,037		9,690,000	

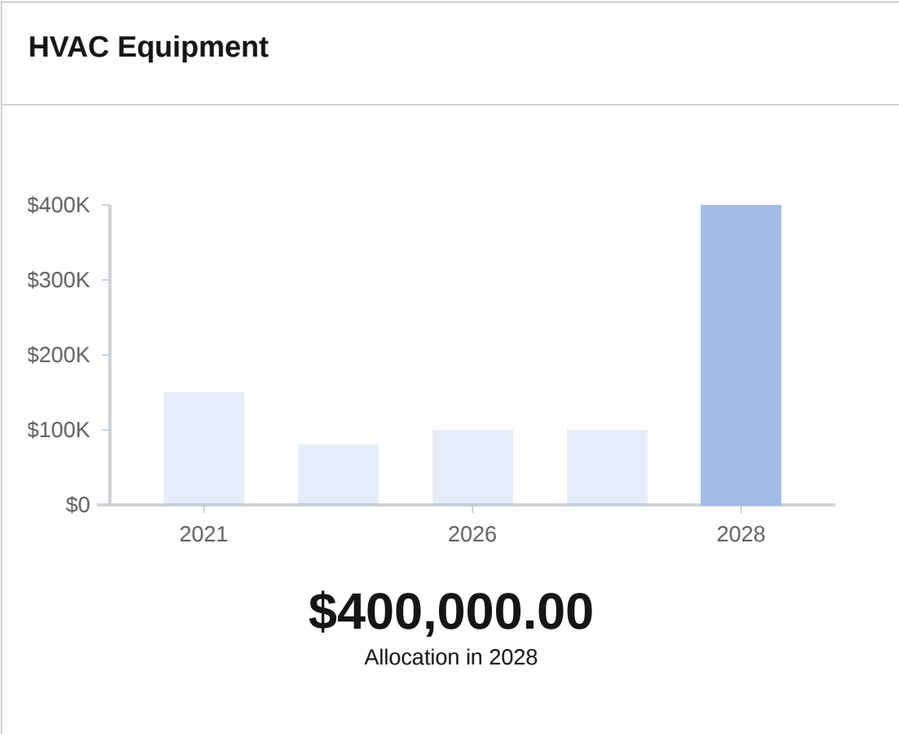
Furniture Upgrades



$130,000.00
Allocation in 2028

SCHOOL FURNITURE

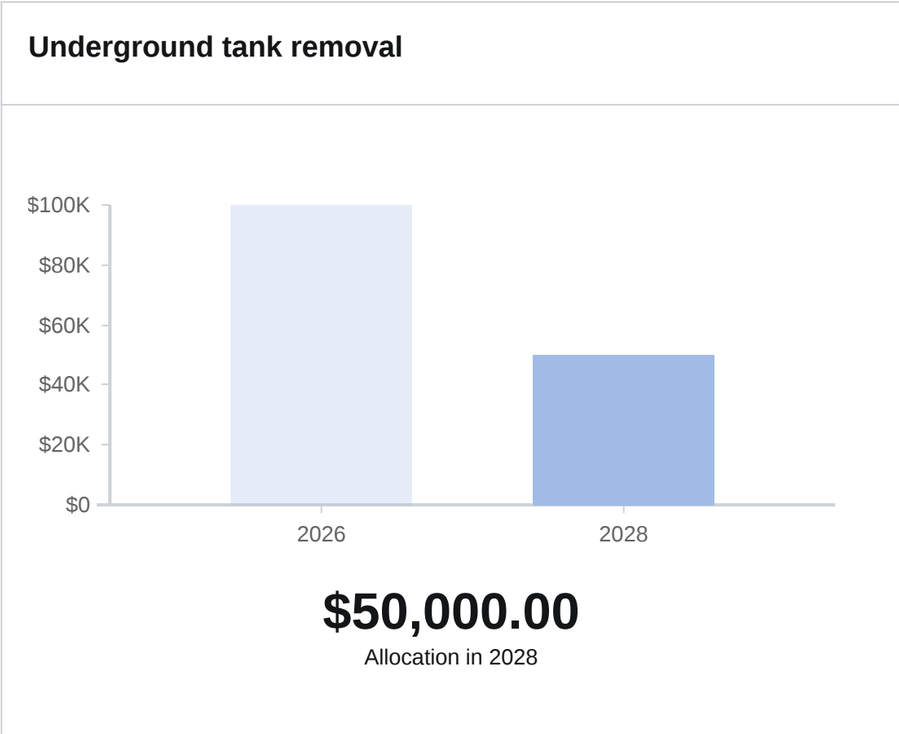
This is a continuous program to upgrade furniture in all schools, which absorbs significant wear and tear annually. This program will replace the most outdated and worn items.



HVAC EQUIPMENT

These funds would be used to primarily replace the larger, more expensive parts up to and including the entire unit for air conditioners, HVAC equipment and boilers. A majority of the money would be used for ac compressor replacements. There are presently 199 permanent air conditioning systems in both Town and School buildings. Their sizes range from 2 tons to over 100 tons. The equipment age goes from 1975 up to 2017, with 112 units 10 years or older. Typically, air conditioning compressors last only 5 - 10 years. Depending on the size, costs can range from $3,500 to $150,000. Instead of being proactive, there is presently a reactive response when there is a failure, usually in very hot weather. The cost to repair is born out of the operations and maintenance budget (O&M). However, with the large increase in installations of AC equipment over the years, the O&M would not be able to handle a large cost such as this. The plan would be to replace compressors and do upgrades in the off season, based on age and conditions.

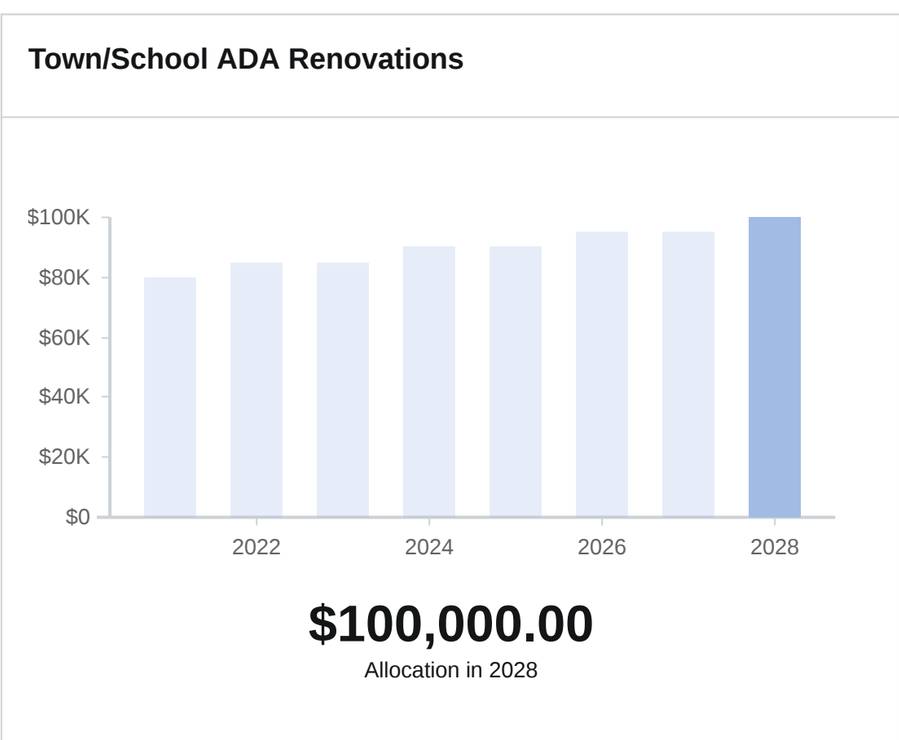
The monies would also be used to replace gas fire equipment with no fossil fuel equipment in all buildings which would include hot water and heat. This would allow a start to achieve zero emissions by 2050. Emissions would be reduced over a number of years. The first to be replaced would be gas fire hot water heaters with hybrid electric hot water heaters. Then phase in heat pumps units.



UNDERGROUND OIL TANK REMOVAL

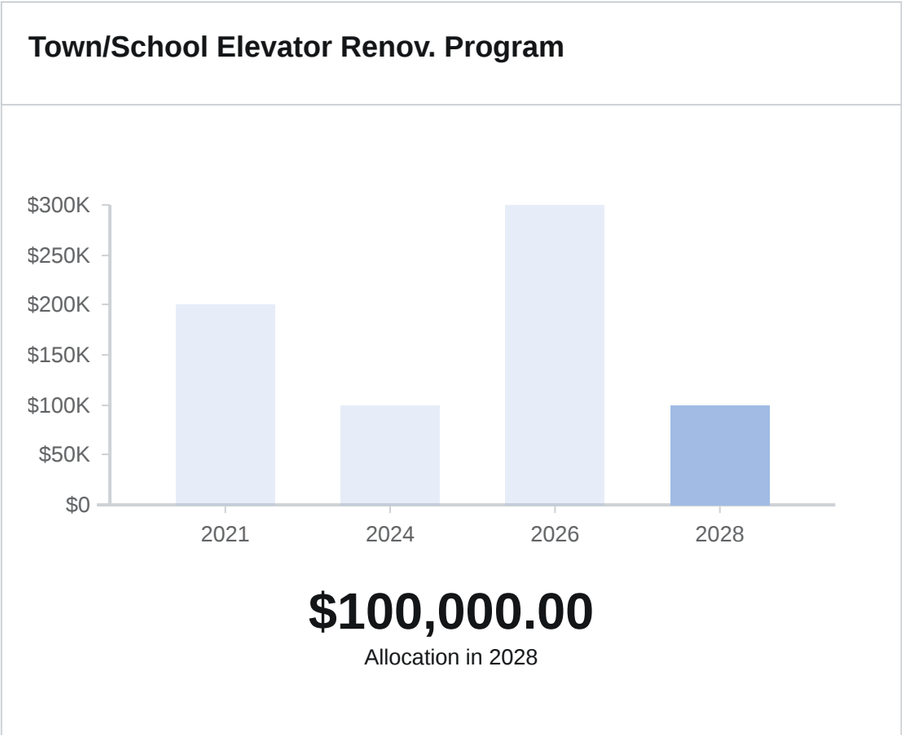
These funds would be used to remove underground fuel oil tanks, some almost 25 years old. The tanks came with a 30 warranty. There are 26 tanks at various school and town sites. New tanks would be installed inside of the buildings (1000 gallon or less) to replace larger (5000-15000 gallon) tanks. Also small 275 (typically) gallon tanks would be replaced with new tanks of the same size. The boilers are set up for dual fuel. There is no reason to remove and replace the boilers or burners as they function well. By installing a small, above ground tank, inside, we can have the backup function of using oil to heat the buildings in case of an emergency or gas shortage.

Some funding may come from the UST state fund. It is estimated that 50% of the costs would be reimbursed for the tank removals. Typical costs for tank removals would be in the $50,000 range. If the tank leaks, the costs could be up to 10 times this amount.



TOWN/SCHOOL BUILDING - ADA RENOVATIONS

This annual program of improvements is requested in order to bring Town and School buildings into compliance with the Americans with Disabilities Act (ADA), which requires that the Town make public buildings accessible to all.



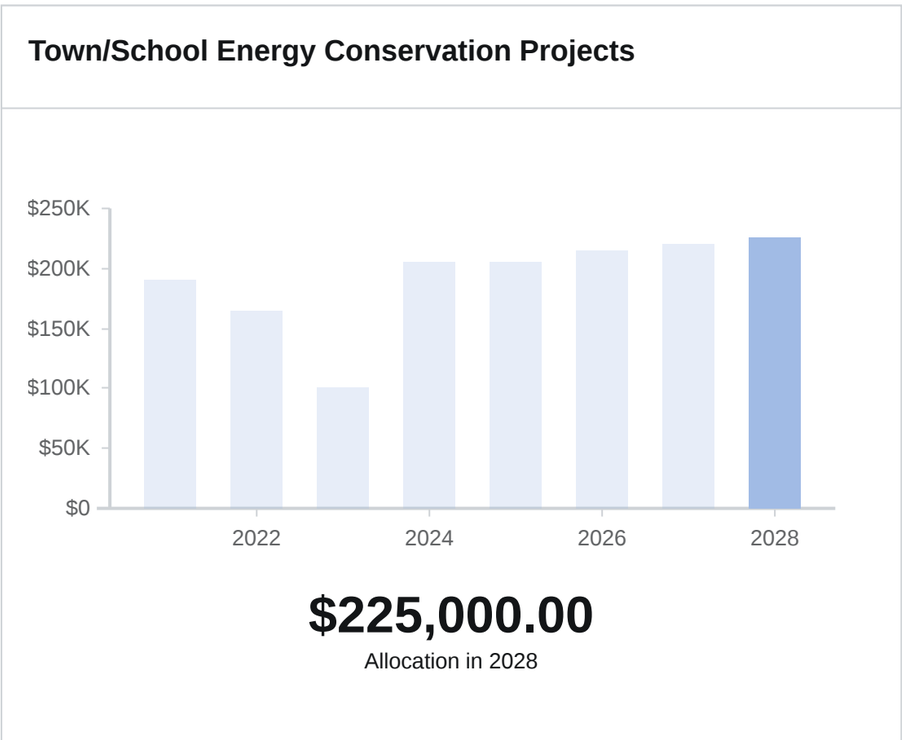
TOWN/SCHOOL BUILDING - ELEVATOR RENOVATIONS

The Town presently has 47 elevators, LULAs, and wheelchair lifts throughout all buildings. When a building is renovated, most elevators are upgraded (new controls, motors, cables, refurbishment of the car, etc.). Some elevators are also partially upgraded to meet the requirements of the existing building codes. The buildings that have not been renovated have elevators that are close to 30 years old. Maintenance is an issue and parts are increasingly difficult to find. The elevator's controller is basically a computer. The controller needs to be upgraded or replaced as technology progresses and older technology is not supported. This project would upgrade those cars and lifts with new equipment.

On schedule and presently fully funded is the modernization of the elevators and the Unified Arts Building (UAB) and the Lynch Rec Center.

Future elevators on the schedule include:

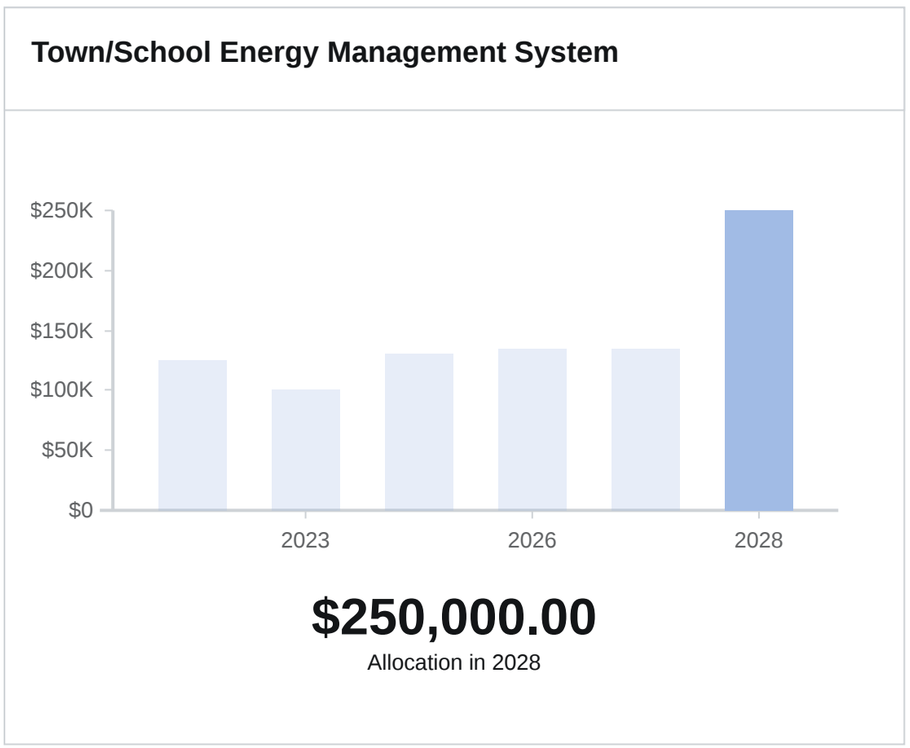
Pierce (SEC)	Highway Garage
Water Department	
Baker School	Senior Center



TOWN/SCHOOL BUILDING - ENERGY CONSERVATION

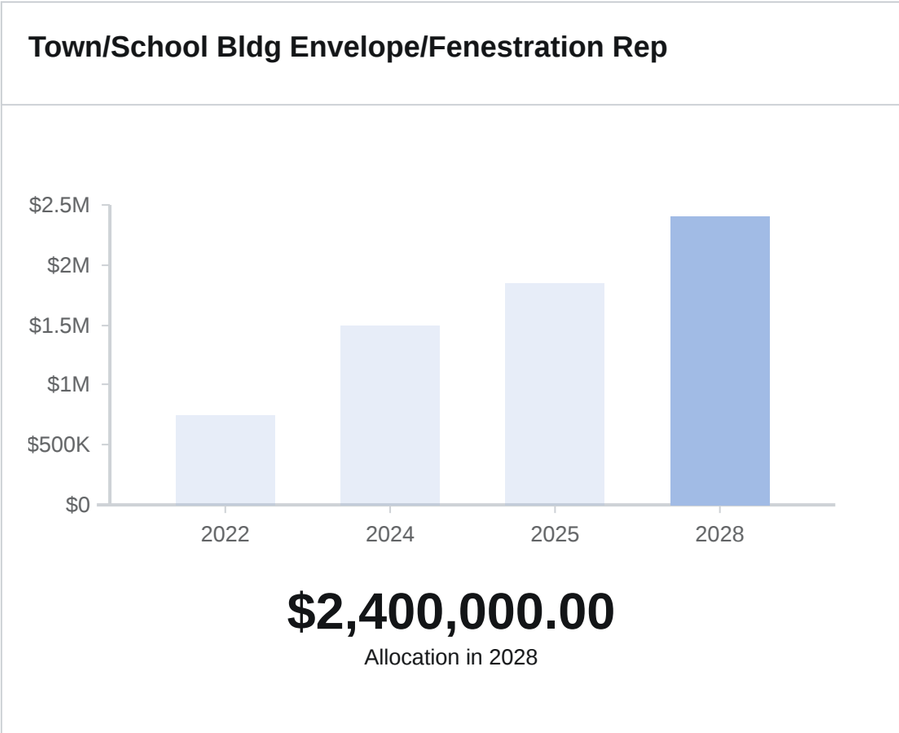
It is imperative that monies be invested to decrease energy consumption in Town and School buildings. Programs include, but are not limited to, lighting retrofit and controls, energy efficient motors, insulation, and heating and cooling equipment. In addition, water conservation efforts are explored. This program augments existing gas and electric utility conservation programs along with Green Communities Grant Funding. A continued area of focus is building

commissioning. Many years ago, a building's HVAC system was set up by multiple contractors and then signed off by the design engineer. Sometimes there would be control issues, leading to complaints or high energy usage. The Building Department, for all new projects, hires a Commissioning Agent. Recommissioning of certain buildings is suggested in order to confirm that the equipment was designed, installed and set up properly. Another investment has been with variable frequency drives (VFDs). These VFDs control the speed of motors for pumps and fans. They slow the motor down using inputs from the energy management system based on the needs of the space.



TOWN/SCHOOL BUILDING - ENERGY MANAGEMENT SYSTEM

This project is to upgrade the energy management systems in Town and School buildings. A few of the larger buildings have older (30 years) energy management systems that have exceeded their life expectancy and replacement parts are no longer available. These systems would be replaced and upgraded with new web-based systems integrated into the Town's existing computer network. Other systems would be upgraded with newer software or firmware. The Building Department will continue to work with the Information Technology Department on these projects.

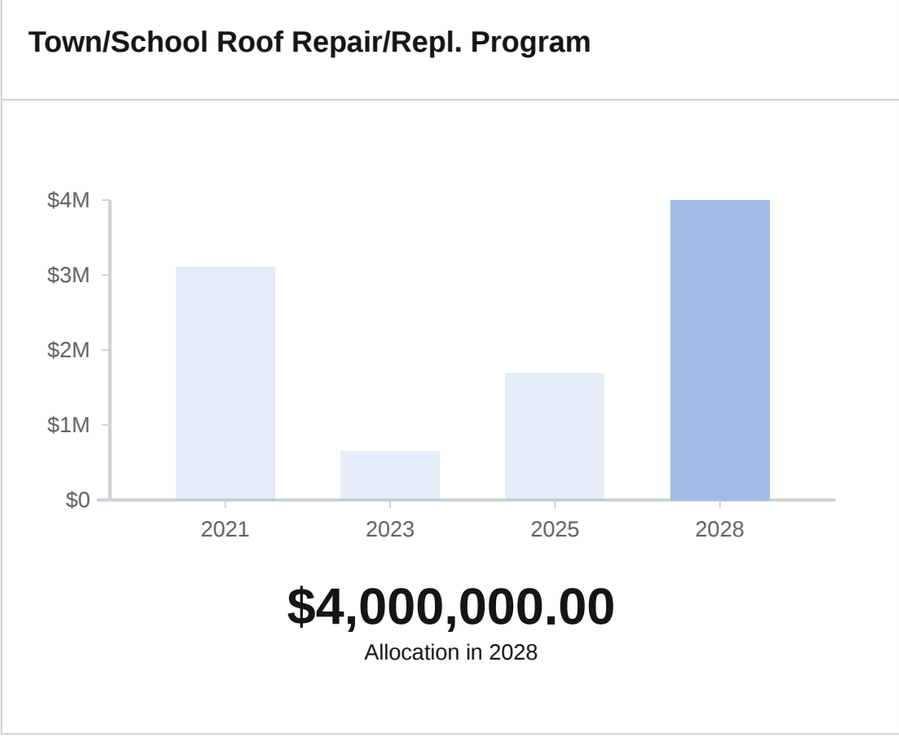


TOWN/SCHOOL BUILDING - ENVELOPE /FENESTRATION REPAIRS

In FY12, $250,000 was appropriated for costs associated with repairs to the outside envelope of all Town and School buildings, including a visual inspection of the exterior of all buildings that will help prioritize these repairs. The outside envelope of facilities includes masonry, bricks and mortar, flashing, dental work, coping stones, metal shelves, and tower work. Some of these structures are over 100 years old and have never had exterior work done to them. A number of buildings have windows, door entrances, and other wall openings (fenestration) that are in need of repair/replacement. This causes water to penetrate into buildings behind walls and ceilings, causing security and safety problems. Also included in this program is any required chimney inspection and repairs, if appropriate, or the installation of new metal liners to connect to the gas burning equipment in the building.

A master plan was prepared by a consultant and includes a priority list and schedule and that calls for $27.45 million over a 30-year period. Added to this plan is the replacement of the Old Lincoln retaining wall and support structures. The work must be completed in the next 5 years at an estimated cost of $1,240,000 Facilities addressed within this time frame include the following:

2022 Fire Station 4, Larz Anderson Toilets, New Lincoln
2023 Old Lincoln, Lawrence
2024 Health Ctr., Lynch Rec Ctr., Town Hall
2025 Muni Service Center, Phys. Ed Building
2026 Old Lincoln



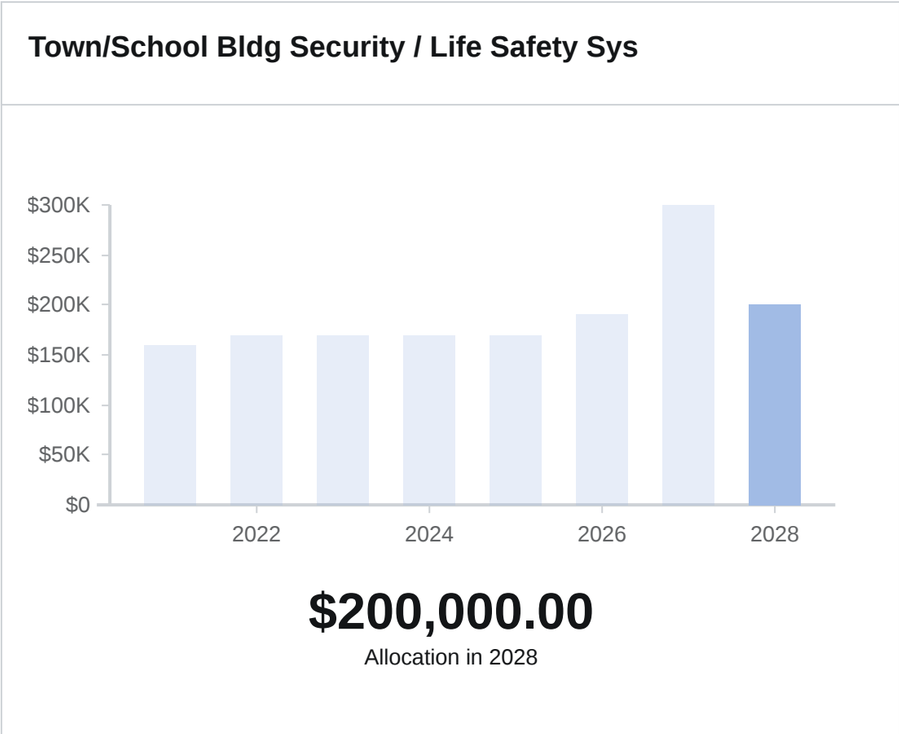
TOWN/SCHOOL BUILDING - ROOF REPAIR/REPLACEMENT PROGRAM

A master plan for repair and replacement of roofs on all Town and School buildings was prepared by a consultant. The plan includes a priority list and schedule and calls for $29.3 million over a 20-year period. Facilities addressed within this time frame include the following:

2021 Heath, Lawrence, Larz Skate Rink, Lincoln
2022 Lawrence
2023 No work scheduled (formerly Driscoll)
2024 No work scheduled
2025 Muni Service Ctr., Phys. Ed. Building

PUBLIC BUILDING FIRE ALARM UPGRADES

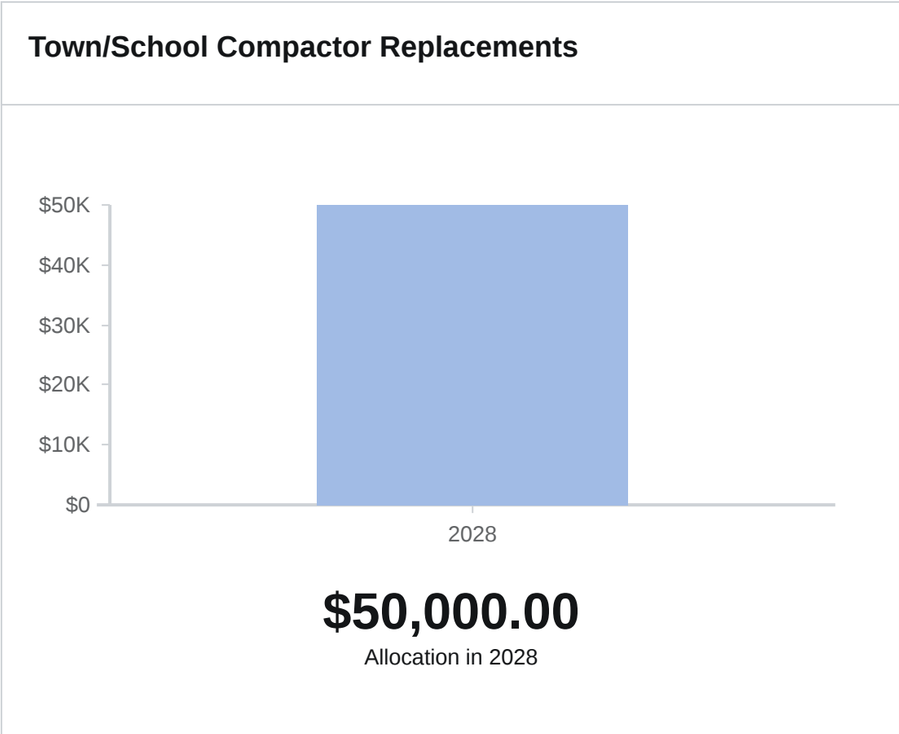
The Town engaged with Garcia, Galuska & Desousa to conduct a study to assess the existing fire alarm and fire protection systems. The funding will allow the Building Department to address the recommendations in the study to properly maintain and upgrade these systems.



TOWN/SCHOOL BUILDING - SECURITY/LIFE SAFETY SYSTEMS

Over the last number of years, several large capital projects have been undertaken that included security improvements in Town and School buildings. This program will extend the effort and improve areas where security may be lacking. In general, the plan calls for making all doors around the perimeter of a building more secure by replacing the doors, frames, door handles, and locks with electronic locks that may only be opened with a keypad and/or on a specific schedule. Only the front main entrance of the building would allow for general access. At the front door, a speaker and doorbell will be added to connect to the building's existing intercom or phone system for use by visitors. The lighting around each building will be improved and placed on a timer. A small camera system connected to a computer will be added at the main entrance to monitor access to the building.

School buildings will be a priority. Most schools are reasonably secure, but based on an assessment by the Police Department, security can and should be improved. These funds would also be used to continue the on-going process of replacement and installation of new and upgraded burglar alarms, fire alarm systems, sprinkler systems, emergency lighting, and egress signs.



TOWN/SCHOOL TRASH COMPACTOR REPLACEMENTS

Provides funding for the replacement of trash compactors at various Town and School facilities.

SCHOOL REHAB/UPGRADES

This is an on-going school-wide program for the repair and upgrade of school facilities in between major renovation projects. Items funded under this program include large scale painting programs, new flooring, ceilings, window treatments and toilet upgrades. This program avoids more expensive rehabilitation that would be necessary if these items were left to deteriorate.

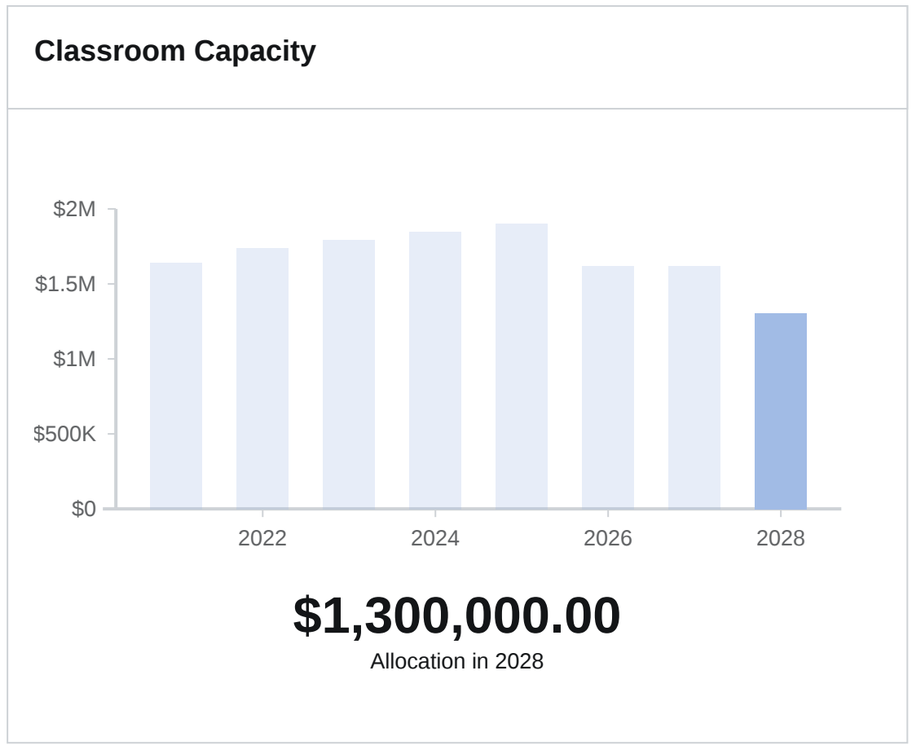
TBD- Project budget to be determined by vote of the School Building Committee.

PIERCE SCHOOL

Since 2005, Brookline has experienced historic enrollment growth in its public schools. The K-8 elementary schools have grown by 40% going from 3,904 students in 2006 to 5,482 students in 2017, which is equivalent to adding three schools into our existing schools in just over 10 years. For a decade now, the Town and School Department have been addressing the expanding student population by studying potential sites for a new elementary school and by adding classrooms to existing schools by dividing classrooms; converting offices, locker rooms, and hallways into

classrooms; renting private buildings; and building new classrooms or adding modular classes. Despite adding nearly 60 classrooms to our existing schools through this “Expand-in-Place” strategy, the schools continue to be severely overcrowded.

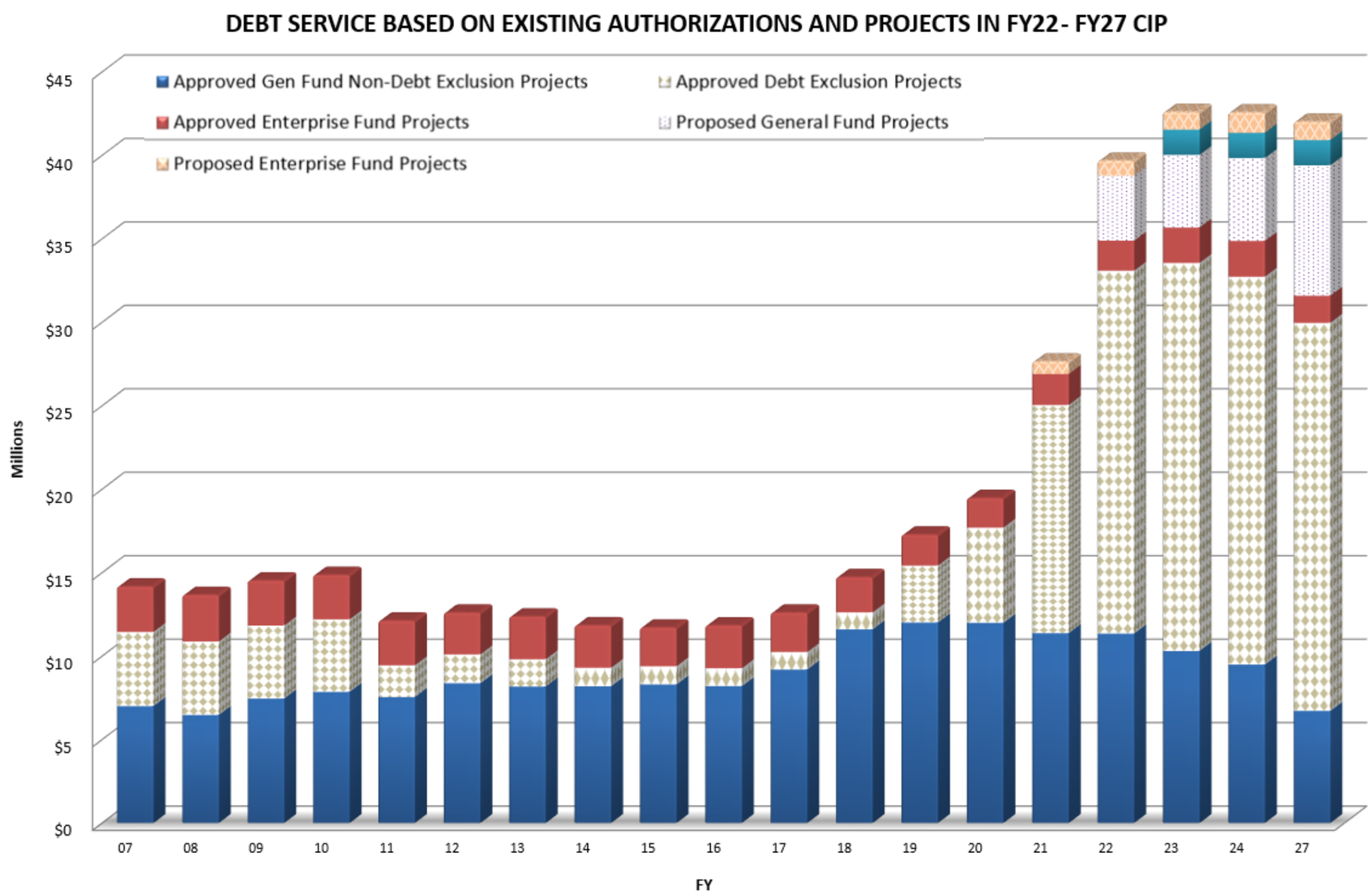
The Pierce School Building Project is part of the Town’s ongoing effort to address the historic enrollment growth, overcrowding, and substandard facilities in the Public Schools of Brookline. Brookline officially entered MSBA’s Eligibility Period for the Pierce project in June. Brookline will be working in partnership with the Massachusetts School Building Authority (MSBA) during this project and will follow the MSBA’s process for school building design and construction. On September 26, 2019, the School Committee unanimously approved moving forward with the Long-Term Capital Plan to address Brookline's overcrowded schools, substandard facilities, and historic enrollment growth over the past ten years. Through this plan, the district will renovate and expand the Pierce School through the Massachusetts School Building Authority (MSBA) partnership, renovate and expand the Driscoll School, and continue plans to build a new K-8 school at Brookline.

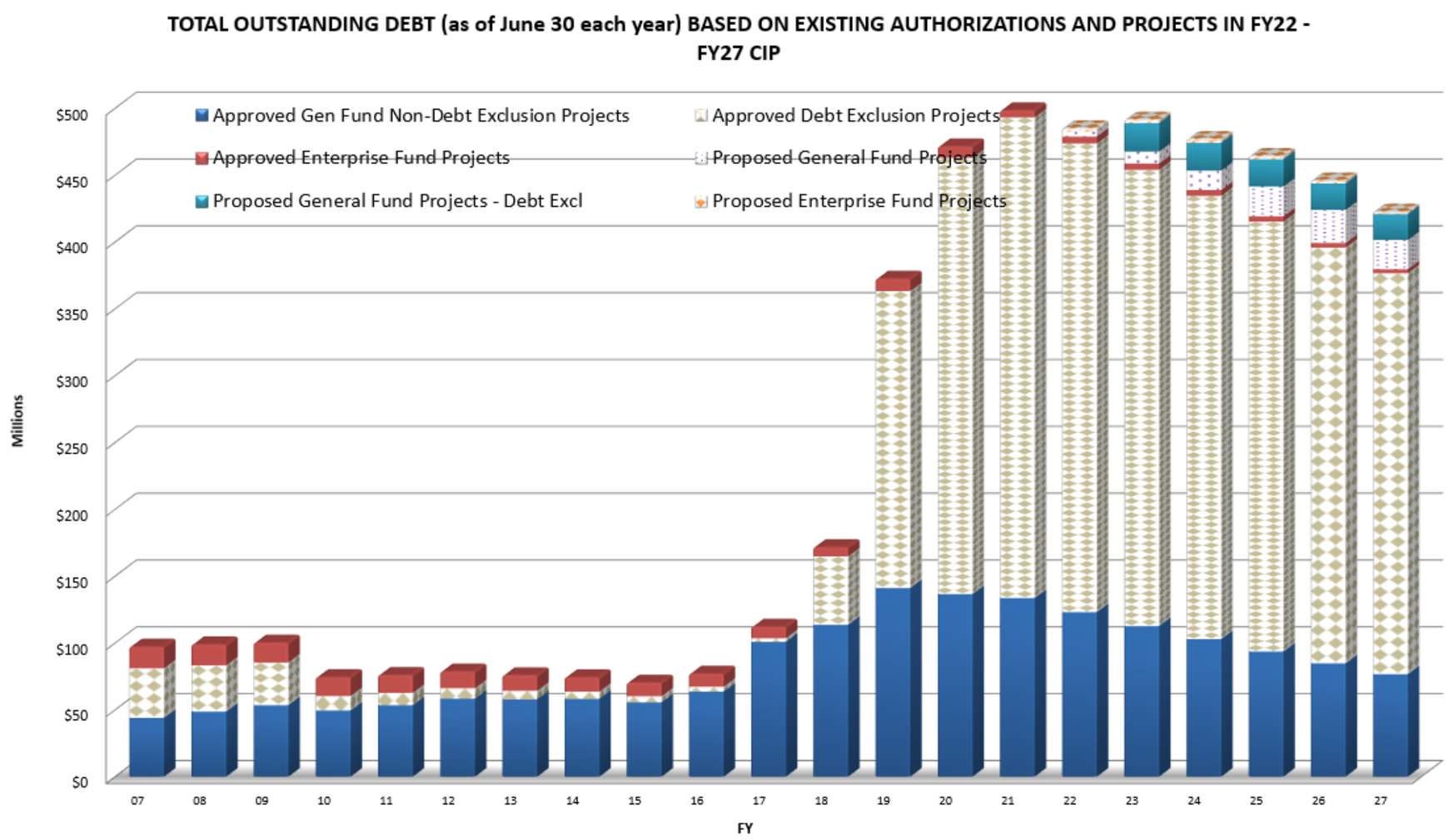


CLASSROOM CAPACITY

The Classroom Capacity account came about to meet the space needs of PSB students and staff and is effectively part of the Town's Capital Program. In the first few years of the account, the funds were expended to "expand in place." Small construction modifications (such as splitting rooms and reconfiguring walls) and adding modular classrooms via lease-purchase were paid via this fund to make more classrooms. Staff and BEEP programs were moved out into leases to best mitigate the impact on teaching and learning K-12. The payment for the leasing of space has also been paid out of this account as district wide capital plans to fit all staff and programs back on PSB owned property take significant years to implement.

Until a longer term capital plan can be implemented, the leasing of space is what this funding has largely evolved into and is expected to be in the intermediate term of the next five to seven years. Hopefully, with the completion of a new Driscoll 4 section school, and MSBA approval of a 5 section Pierce School, we can reduce leasing costs for BEEP programs and reduce much of the student over crowding in several schools with the completion of these two projects. The capital space options and possibilities for nearly 60 school administrative and support personnel is still being explored and more details can be excepted in the FY22 or FY23 budget.


DEBT SERVICE BASED ON EXISTING AUTHORIZATIONS AND PROJECTS IN FY22 - FY27 CIP
Approved Gen Fund Non-Debt Exclusion Projects
Approved Debt Exclusion Projects
Approved Enterprise Fund Projects
Proposed General Fund Projects
Proposed Enterprise Fund Projects
Millions
$45
$40
$35
$30
$25
$20
$15
$10
$5
$0
07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 27
FY


TOTAL OUTSTANDING DEBT (as of June 30 each year) BASED ON EXISTING AUTHORIZATIONS AND PROJECTS IN FY22 - FY27 CIP
Approved Gen Fund Non-Debt Exclusion Projects
Approved Debt Exclusion Projects
Approved Enterprise Fund Projects
Proposed General Fund Projects
Proposed General Fund Projects - Debt Excl
Proposed Enterprise Fund Projects
Millions
$500
$450
$400
$350
$300
$250
$200
$150
$100
$50
$0
07 08 09 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27
FY

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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	GENERAL GOVERNMENT																
2	Larz Anderson Garage	135,000										135,000	A				
6	Town Building Furniture	50,000										25,000	A			25,000	A
2	Garage Floor Sealants	575,000										225,000	A	200,000	A	150,000	A
2	Town Rehab/Upgrade	325,000	60,000									85,000	A	90,000	A	90,000	A
6	Technology Applications	425,000						125,000	A					150,000	A	150,000	A
6	Voting Machines	130,000		130,000	A												
6	Newbury College West Parcel Acquisition	14,900,000	14,900,000														
	General Government Total	16,540,000	14,960,000	130,000		-		125,000		-		470,000		440,000		415,000	
	PUBLIC SAFETY																
5	Fire Apparatus Rehab	1,665,000						125,000	A	240,000	A	300,000	A			1,000,000	A/B
5	Engine #1 Replacement	800,000				800,000	B										
5	Engine #4 Replacement	825,000						825,000	B								
2	Fire Station Renovations	21,275,000		21,275,000	K												
2	Fire Station Alerting System Replacement	450,000	450,000														
6	Radio Infrastructure	3,600,000	900,000	900,000	A	900,000	A	900,000	A								
	Public Safety Total	28,615,000	1,350,000	22,175,000		1,700,000		1,850,000		240,000		300,000		-		1,000,000	
	LIBRARY																
2	Renovation of the Main Library	39,655,000														39,655,000	B/C/I
	Library Total	39,655,000	-	-		-		-		-		-		-		39,655,000	
	PUBLIC WORKS:																
	Transportation																
4	Traffic Calming / Safety Improvements	331,500	81,500					50,000	A	50,000	A	50,000	A	50,000	A	50,000	A
4	Bicycle Access Improvements	611,700	175,000			436,700	A										
4	Parking Meter Technology Upgrade	466,000	216,000	140,000	A	110,000	A										
4	Hammond/Woodland Traffic Signal / Road Diet	1,500,000								1,500,000	A						
4	Wash/Harv/Kent/Davis Traffic Signal Upgrade	140,000		140,000	A												
4	Transportation Network Company Mitigation Proje	1,600,000	200,000	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C	200,000	C
4	Accessible Pedestrian Signal Conversion	568,000		50,000	A											518,000	A/C
	Public Works - Transportation Sub-Total	5,217,200	672,500	530,000		746,700		250,000		1,750,000		250,000		250,000		768,000	
	Engineering/Highway																
4	Street Rehab - Town	17,674,916	2,649,916	1,830,000	A	1,880,000	A	1,930,000	A	1,980,000	A	2,030,000	A	2,655,000	A	2,720,000	A
4	Street Rehab - State	7,684,840	960,605	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C	960,605	C
4	Sidewalk Repair	2,936,000	336,000	344,000	A	353,000	A	362,000	A	371,000	A	380,000	A	390,000	A	400,000	A
4	Parking Lot Rehab.	205,000														205,000	A
4	Davis Path Footbridge	13,000,000														13,000,000	B/C
4	Washington St. Rehab and Complete Streets	5,000,000		600,000	A	600,000	A	800,000	A	800,000	A	2,200,000	B				
4	Washington St. Rehab and Complete Streets - State	26,000,000										26,000,000	C				
	Public Works - Engineering/Highway Sub-Total	72,500,756	3,946,521	3,734,605		3,793,605		4,052,605		4,111,605		31,570,605		4,005,605		17,285,605	

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

CATEGORY CODES (CC):
1 = New Facility Construction
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6 = Miscellaneous

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A = Property Tax/Free Cash/Overlay Surplus
B = General Fund Bond
C = State / Federal Aid
D = Golf Budget
E = Golf Bond
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G = Utility Bond
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I = Other
J = Re-Appropriation of Funds
K = Debt Exclusion Override

CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	Water / Sewer																
4	Stormwater Improvements	1,100,000	300,000	400,000	F	400,000	F										
4	Water System Improvements	6,000,000	2,000,000	2,000,000	E	2,000,000	E										
6	Water Meter MTU Replacement	560,000	280,000	280,000	F												
4	Wastewater System Improvements	24,000,000	3,000,000	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E	3,000,000	E
2	Water Garage Elevator Renovation	260,000	260,000														
	Public Works - Water / Sewer Sub-Total	31,920,000	5,840,000	5,680,000		5,400,000		3,000,000		3,000,000		3,000,000		3,000,000		3,000,000	
	Parks and Playgrounds																
3	Amory tennis courts, Parking and Halls Pond	2,400,000								2,400,000	B						
3	Fisher Hill Gatehouse Safety and Structural Improve	425,000												425,000	A		
3	Larz Anderson Park	15,000,000	2,200,000					2,500,000	B	1,000,000	B	3,500,000	B			5,800,000	B
3	Murphy Playground	915,000		915,000	B												
3	Riverway Park	625,000														625,000	A
3	Robinson Playground	1,150,000		1,150,000	B												
3	Schick Playground	1,320,000				1,320,000	B										
3	Boylston St. Playground	1,600,000						1,600,000	B								
3	Griggs Park	1,680,000								220,000	A	1,460,000	B				
3	Soule Athletic Fields	4,510,000												410,000	A	4,100,000	B
3	Skyline Park Turf replacement and Park Improveme	2,760,000						360,000	A	2,400,000	B						
3	Monmouth Park	1,290,000										90,000	A	600,000	A	600,000	A
3	New Lincoln School Grounds	2,200,000														2,200,000	B
3	Heath School Grounds	2,750,000														2,750,000	B
3	Baker School Grounds	2,960,000														2,960,000	B
3	Longwood Playground/Lawrence Schoool Grounds	2,400,000														2,400,000	B
3	Willow Pond Environmental Restoration	3,080,000		280,000	F	2,800,000	B										
3	Parks/Playgrounds Rehab/Upgrade	2,110,000	310,000	260,000	A	100,000	A	140,000	A	320,000	A	325,000	A	325,000	A	330,000	A
3	Town/School Ground Rehab.	1,310,000	165,000	165,000	A	90,000	A	120,000	A	185,000	A	190,000	A	195,000	A	200,000	A
3	Tennis Courts / Basketball Courts	650,000												650,000	A		
2	Comfort Stations	100,000														100,000	A
	Public Works - Parks and Playground Sub-Total	51,235,000	2,675,000	2,770,000		4,310,000		4,720,000		6,525,000		5,565,000		2,605,000		22,065,000	
	Conservation/Open Space																
3	Tree Removal&Repl/Urban Forestry Mgmt	1,960,000	235,000	240,000	A	240,000	A	245,000	A	245,000	A	250,000	A	250,000	A	255,000	A
3	Old Burial Ground	250,000														250,000	A
3	Walnut Hills Cemetery	770,000														770,000	I
	Public Works - Conser /Open Space Sub-Total	2,980,000	235,000	240,000		240,000		245,000		245,000		250,000		250,000		1,275,000	
	Public Works Total	163,852,956	13,369,021	12,954,605		14,490,305		12,267,605		15,631,605		40,635,605		10,110,605		44,393,605	
	RECREATION																
2	Eliot Rec Improvements	775,000														775,000	A
3	Soule Courtyard Renovation	95,000										95,000	A				
	Recreation Total	870,000	-	-		-		-		-		95,000		-		775,000	

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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A = Property Tax/Free Cash/Overlay Surplus
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E = Golf Bond
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J = Re-Appropriation of Funds
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CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	SCHOOL																
6	Furniture Upgrades	380,000										120,000	A	130,000	A	130,000	A
2	HVAC Equipment	830,000	150,000					80,000	A			100,000	A	100,000	A	400,000	A
2	Underground tank removal	150,000										100,000	A			50,000	A
2	Town/School ADA Renovations	720,000	80,000	85,000	A	85,000	A	90,000	A	90,000	A	95,000	A	95,000	A	100,000	A
2	Town/School Elevator Renov. Program	700,000	200,000					100,000	A			300,000	A			100,000	A
2	Town/School Energy Conservation Projects	1,525,000	190,000	165,000	A	100,000	A	205,000	A	205,000	A	215,000	A	220,000	A	225,000	A
2	Town/School Energy Management System	875,000	125,000			100,000	A			130,000	A	135,000	A	135,000	A	250,000	A
2	Town/School Bldg Envelope/Fenestration Rep	6,500,000		750,000	B			1,500,000	B	1,850,000	B					2,400,000	A/B
2	Town/School Roof Repair/Repl. Program	9,450,000	3,100,000			650,000	B			1,700,000	B					4,000,000	A/B
2	Public Building Fire Alarm upgrades	2,060,000	300,000	175,000	A			225,000	A			310,000	A	700,000	A	350,000	A
2	Town/School Bldg Security / Life Safety Sys	1,530,000	160,000	170,000	A	170,000	A	170,000	A	170,000	A	190,000	A	300,000	A	200,000	A
2	Town/School Compactor Replacements	50,000														50,000	A
2	School Rehab/Upgrade	135,000														135,000	A
2	Pierce School	-				TBD	K										
2	Classroom Capacity	13,465,186	1,644,831	1,733,928	A	1,794,410	A	1,848,592	A	1,903,350	A	1,620,037	A	1,620,037	A	1,300,000	A
	School Total	38,370,186	5,949,831	3,078,928		2,899,410		4,218,592		6,048,350		3,185,037		3,300,037		9,690,000	

TOWN OF BROOKLINE CAPITAL IMPROVEMENT PROGRAM: FY2022 - FY2027

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A = Property Tax/Free Cash/Overlay Surplus
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D = Golf Budget
E = Golf Bond
F = Utility Budget
G = Utility Bond
H = CDBG
I = Other
J = Re-Appropriation of Funds
K = Debt Exclusion Override

CC		Total	Prior Year (FY21)	FY2022 Amount	RC	FY2023 Amount	RC	FY2024 Amount	RC	FY2025 Amount	RC	FY2026 Amount	RC	FY2027 Amount	RC	Future Years Amount	RC
	GRAND TOTAL	**287,903,142**	**35,628,852**	**38,338,533**		**19,089,715**		**18,461,197**		**21,919,955**		**44,685,642**		**13,850,642**		**95,928,605**	
	GRAND TOTAL BY SOURCE																
	A = Property Tax / Free Cash / Overlay Surplus	66,070,302	8,428,247	7,127,928	19%	6,959,110	36%	7,875,592	43%	8,409,350	19%	7,365,037	16%	9,690,037	70%	10,215,000	11%
	B = General Fund Bond	94,204,050	5,300,000	2,815,000	7%	5,570,000	29%	6,425,000	35%	9,350,000	21%	7,160,000	16%	-	0%	57,584,050	60%
	C = State / Federal Grants	51,345,890	1,160,605	1,160,605	3%	1,160,605	6%	1,160,605	6%	1,160,605	3%	27,160,605	28%	1,160,605	8%	17,221,655	18%
	D = Golf Budget	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	E = Golf Bond	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	F = Utility Budget	2,200,000	840,000	960,000	3%	400,000	2%	-	0%	-	0%	-	0%	-	0%	-	0%
	G = Utility Bond	30,000,000	5,000,000	5,000,000	13%	5,000,000	26%	3,000,000	16%	3,000,000	7%	3,000,000	3%	3,000,000	22%	3,000,000	3%
	H = CDBG	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	I = Other	7,907,900		-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	7,907,900	8%
	J = Re-Approp. of Existing Funds	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	K = Debt Exclusion Override	36,175,000	14,900,000	21,275,000	55%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	Grand Total	**287,903,142**	**35,628,852**	**38,338,533**		**19,089,715**		**18,461,197**		**21,919,955**		**44,685,642**		**13,850,642**		**95,928,605**	
	GRAND TOTAL BY ALLOCATION																
	General Government	16,540,000	14,960,000	130,000	0%	-	0%	125,000	1%	-	0%	470,000	1%	440,000	3%	415,000	0%
	Planning and Community Development	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
	Public Safety	28,615,000	1,350,000	22,175,000	58%	1,700,000	9%	1,850,000	10%	240,000	1%	300,000	1%	-	0%	1,000,000	1%
	Library	39,655,000	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	39,655,000	41%
	DPW - Transportation	5,217,200	672,500	530,000	1%	746,700	4%	250,000	1%	1,750,000	8%	250,000	1%	250,000	2%	768,000	1%
	Engineering/Highway	72,500,756	3,946,521	3,734,605	10%	3,793,605	20%	4,052,605	22%	4,111,605	19%	31,570,605	71%	4,005,605	29%	17,285,605	18%
	Water / Sewer	31,920,000	5,840,000	5,680,000	15%	5,400,000	28%	3,000,000	16%	3,000,000	14%	3,000,000	7%	3,000,000	22%	3,000,000	3%
	Parks & Playgrounds	51,235,000	2,675,000	2,770,000	7%	4,310,000	23%	4,720,000	26%	6,525,000	30%	5,565,000	12%	2,605,000	19%	22,065,000	23%
	Conservation/Open Space	2,980,000	235,000	240,000	1%	240,000	1%	245,000	1%	245,000	1%	250,000	1%	250,000	2%	1,275,000	1%
	Recreation	870,000	-	-	0%	-	0%	-	0%	-	0%	95,000	0%	-	0%	775,000	1%
	Public Schools	38,370,186	5,949,831	3,078,928	8%	2,899,410	15%	4,218,592	23%	6,048,350	28%	3,185,037	7%	3,300,037	24%	9,690,000	10%
	Grand Total	**287,903,142**	**35,628,852**	**38,338,533**		**19,089,715**		**18,461,197**		**21,919,955**		**44,685,642**		**13,850,642**		**95,928,605**	
	GRAND TOTAL BY CATEGORY																
1	New Facility Construction	-	-	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%	-	0%
2	Facility Renovation / Repair	100,250,186	6,719,831	24,353,928	64%	2,899,410	15%	4,218,592	23%	6,048,350	28%	3,200,037	7%	3,170,037	23%	49,640,000	52%
3	Parks / Open Space / Playgrounds	54,210,000	2,910,000	3,010,000	8%	4,550,000	24%	4,965,000	27%	6,770,000	31%	5,910,000	13%	2,855,000	21%	23,240,000	24%
4	Infrastructure	109,377,956	10,199,021	9,944,605	26%	9,940,305	52%	7,302,605	40%	8,861,605	40%	34,820,605	78%	7,255,605	52%	21,053,605	22%
5	Vehicles	3,290,000	-	-	0%	800,000	4%	950,000	5%	240,000	1%	300,000	1%	-	0%	1,000,000	1%
6	Miscellaneous	20,775,000	15,800,000	1,030,000	3%	900,000	5%	1,025,000	6%	-	0%	455,000	1%	570,000	4%	995,000	1%
	Grand Total	**287,903,142**	**35,628,852**	**38,338,533**		**19,089,715**		**18,461,197**		**21,919,955**		**44,685,642**		**13,850,642**		**95,928,605**	
	6-Year Total	**156,345,685**															

Town of Brookline FY22 Program Budget

Non-Departmental I Unclassified

FY22 Budget Line Item Report

Collapse All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
SALARIES	$ 38,360	$ 34,000	$ 34,000	0	0.00%
(510101) PERMANENT FULL TIME	306	0	0	0	0.00%
(510201) TEMPORARY FULL TIME	20,363	0	0	0	0.00%
(510300) OVERTIME PAY	10,628	34,000	34,000	0	0.00%
(514501) EXTRA COMPENSATION	7,064	0	0	0	0.00%
SERVICES	105,102	241,895	249,895	8,000	3.20%
(524001) ACCOUNTING/AUDIT SERVICES	5,000	97,000	102,000	5,000	4.90%
(524010) PROFESSIONAL/TECH SERVICE	39,403	45,000	45,000	0	0.00%
(524520) PRIVATE DAY SCHOOLS	26,113	92,895	92,895	0	0.00%
(524631) TRANSPORT-PRIVATE CARRIER	24,054	0	0	0	0.00%
(525030) PRINTING SERVICES	4,333	7,000	5,000	-2,000	-40.00%
(525060) ADVERTISING SERVICES	6,200	0	5,000	5,000	100.00%
SUPPLIES	773	4,000	1,000	-3,000	-300.00%
(531012) OFFICE SUPPLIES	773	4,000	1,000	-3,000	-300.00%
OTHER	1,432,485	4,348,253	4,736,612	388,359	8.20%
(552015) OUT-OF-STATE CONFERENCES	1,276	0	0	0	0.00%
(553010) PROFESSIONAL DUES/MEMBERS	13,226	13,891	14,241	350	2.46%
(554001) PROPERTY INSURANCE	506,914	703,507	883,358	179,851	20.36%
(558098) RESERVE FUND APPROPRIATIO	850,000	3,620,855	3,829,013	208,158	5.44%
(558099) SELECTMEN'S CONTINGENCY	61,069	10,000	10,000	0	0.00%
INTERFUND TRANSFERS OUT	589,700	2,477,763	2,991,748	513,985	17.18%
(597600) TRANSFERS TO TRUST FUND	589,700	2,477,763	2,991,748	513,985	17.18%
Total	$ 2,166,420	$ 7,105,911	$ 8,013,255	907,344	11.32%

Data filtered by EXPENSES, NON-DEPARTMENTAL and exported on February 12, 2021. Created with OpenGov

UNCLASSIFIED

The Unclassified portion of the budget represents miscellaneous accounts in the Town budget, including various reserves.

OUT OF STATE TRAVEL

This budget covers the costs of out-of-state conferences, workshops, and training seminars for Department Heads.

PRINTING OF WARRANTS AND REPORTS / TOWN MEETING

This budget is for the costs associated with Town Meeting and for the printing and production of the Combined Reports, the Town's Annual Report, and the Annual Financial Plan. The budget encompasses salaries, services, and supplies and is level-funded for FY22 at $55,000.

MMA DUES

The Massachusetts Municipal Association (MMA) is an umbrella organization representing various municipal organizations. One of its most important functions is to lobby the State and Federal governments on behalf of member cities and towns.

GENERAL INSURANCE

The Town has several insurance coverages including property, boiler, auto, equipment, landlord liability, and fidelity bonds. Property insurance accounts for more than 80% of all the general insurance costs.

AUDIT AND PROFESSIONAL SERVICES

In accordance with State law, the Town contracts for an annual independent audit of its accounts. Professional services is for outside professional consulting services that may be necessary during the course of the year.

PRIVATE DAY SCHOOLS

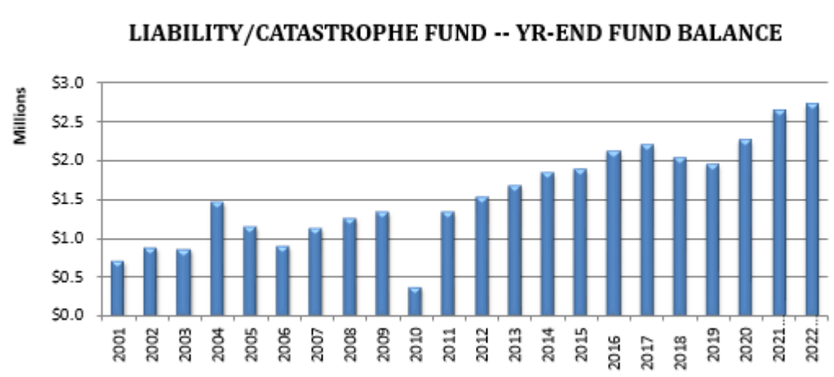
In grades 9-12, students may choose to participate in vocational technical education programs, such as automotive technology, culinary arts, or design and visual communications, in preparation for a future career. Students in these programs take academic courses in addition to their technical courses and must meet the same requirements for high school graduation that all high school students must meet, including passing the Massachusetts Comprehensive Assessment System or "MCAS" tests. These vocational technical education programs are approved by the Department of Elementary and Secondary Education and are sometimes referred to as "Chapter 74-approved" programs.

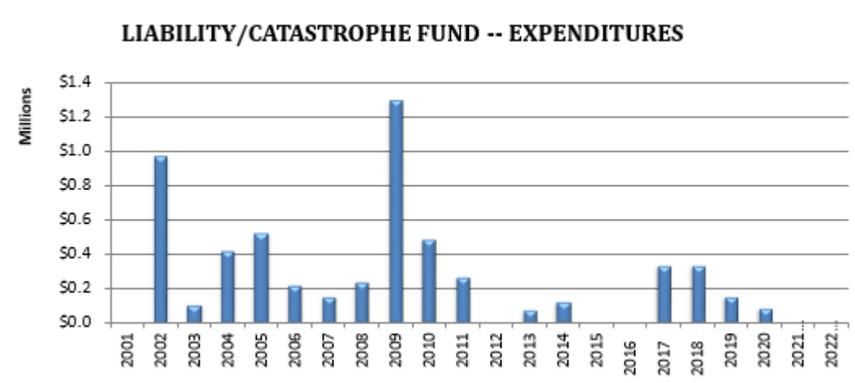
CONTINGENCY FUND

This small contingency fund, which is administered by the Select Board and Town Administrator, is generally used to fund smaller, non-budgeted items and smaller, unforeseen items more appropriately handled from a contingency fund rather than through a reserve fund transfer.

LIABILITY/CATASTROPHE FUND

This reserve was established by Town Meeting in 1997 via Home Rule legislation that was eventually signed into law on April 3, 1998 as Chapter 66 of the Acts of 1998. (It was later amended by Chapter 137 of the Acts of 2001.) The purpose of the Fund is to allow the Town to set aside reserves, pay settlements and judgments, and protect the community from the negative financial impact of catastrophic loss or legal claims. Per the Town's Reserve Fund policies, the required level for this fund is an amount equivalent to 1% of the prior year's net revenue. All of the funding comes from Free Cash, per the Town's Free Cash and Reserve Fund policies. The graphs below show the annual year-end fund balance (left) and expenditure history (right).





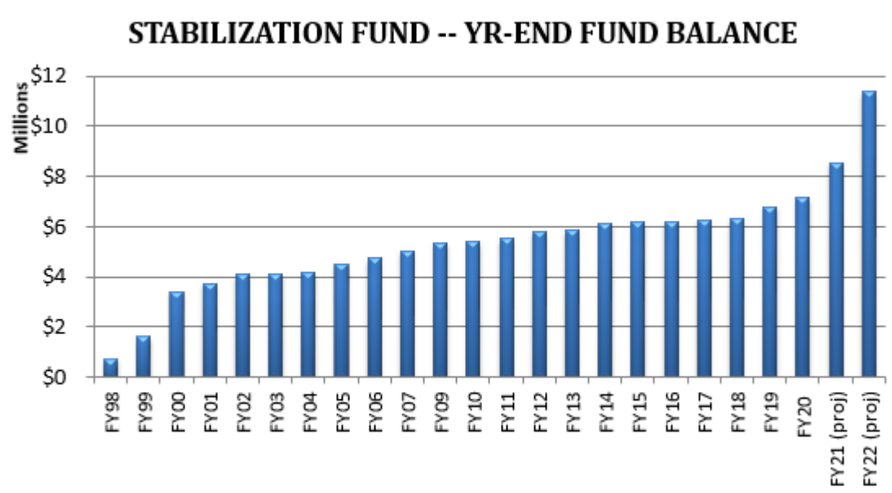
AFFORDABLE HOUSING TRUST FUND (AHTF)

This fund was established as part of the Town's effort to increase the amount of affordable housing in the Town. In FY02, the Town was able to make its first appropriation from General Fund revenues into the Fund, in the amount of $1 million. This was made possible by having an extremely large Free Cash certification of $12.4 million. In order to establish a clear policy regarding how Free Cash relates to the Trust Fund, an allocation formula was adopted. The Fiscal Policy Review Committee (FPRC), as part of its work in CY11, recommended a revision to the policy, which the Select Board adopted. The policy, which can be found in its entirety in the Appendix of this Financial Plan, states that if the year-end fund balance in the AHTF is below $5 million, then 15% of any Free Cash remaining after funding the first four priorities shall be allocated to the AHTF. The table on the following page provides a history of funding by source, along with the annual year-end fund balance.

	FY10	FY11	FY12	FY13	FY14	FY15	FY16	FY17	FY18	FY19	FY20	FY21(proj.)
From Free Cash	$0	$0	$355,264	$251,363	$555,106	$170,390	$163,078	$158,539	$576,803	$545,112	$200,000	$726,549
From Developers	$0	$0	$0	$0	$0		$0		$444,940	$8,865	$0	$0
Loan Repayments			$12,744	$283,111		$549,687		$94,637	$486,276	$170,475	$0	$0
Interest Income	$49,911	$35,085	$23,301	$17,563	$18,534	$19,129	$16,424	$15,736	$18,273	$42,374	$27,005	$27,276
Misc											$400,000	$400,000
Revenue	**$49,911**	**$35,085**	**$391,309**	**$552,037**	**$573,640**	**$739,206**	**$179,502**	**$268,912**	**$1,526,292**	**$766,826**	**$627,005**	**$1,153,825**
Expend./Encumb.	$1,000,000	$589,663	$825,866	$199,989	$826,062	$2,100,002	$90,162	$0	$429,565	$870,788	$1,286,746	$1,312,481
Expend./Encumb.	**$1,000,000**	**$589,663**	**$825,866**	**$199,989**	**$826,062**	**$2,100,002**	**$90,162**	**$0**	**$429,565**	**$870,788**	**$1,286,746**	**$1,312,481**
Year-End Fund Balance	**$5,452,684**	**$4,898,106**	**$4,576,196**	**$4,928,244**	**$4,675,822**	**$3,315,026**	**$3,404,366**	**$3,673,278**	**$4,770,005**	**$4,666,043**	**$4,006,302**	**$3,847,646**

STABILIZATION FUND

A “Capital Stabilization Fund” was established upon the 1997 recommendation of the CIP Policy Review Committee, a study group appointed by the Select Board to review CIP Financing policies and practices. In 2004, the Fiscal Policy Review Committee (FPRC) recommended that the Stabilization Fund be expanded and made accessible for both operating and capital needs when revenue conditions decline to specified levels. To accommodate the expansion of the Fund’s purpose from solely capital to both the capital and operating budgets, the FPRC also recommended changing the funding target from 1% of the replacement value of buildings to 3% of prior year net revenue. As part of the FPRC's CY11 work, the Committee recommended removing the 3% ceiling since the Stabilization Fund is a component of the Town’s overall fund balance levels, a key metric used by the bond rating agencies. By removing the ceiling, the Town can deposit more into the fund if overall fund balance levels dictate the need. The graph below shows the annual year-end fund balance.

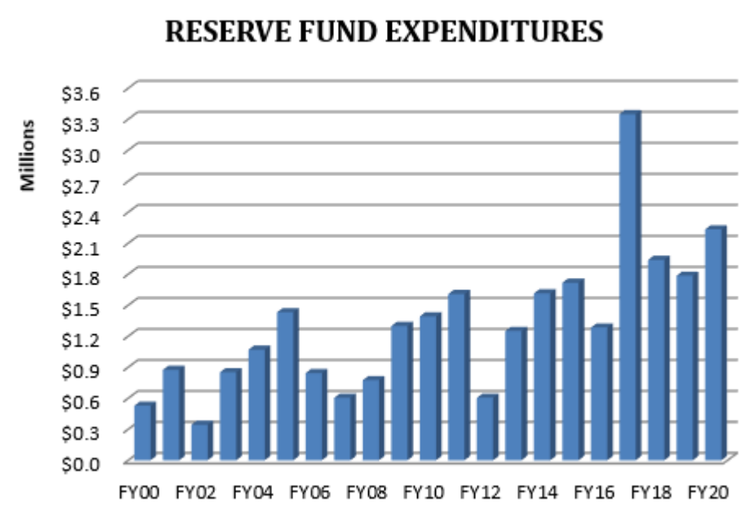


RESERVE FUND

The Reserve Fund is administered by the Advisory Committee and is used to fund extraordinary and unforeseen expenses, per Massachusetts General Laws Chapter 40, Section 6. According to Town policies, it is set at a level equivalent to 1% of the prior year's net revenue and is funded in the following manner:

- 75% from Operating Budget revenue, in an amount equivalent to 0.75% of the prior year's net revenue
- 25% from Free Cash, in an amount equivalent to 0.25% of the prior year's net revenue.

The requested amount meets the requirements of the Reserve Fund policies that were reviewed by the Fiscal Policy Review Committee (FPRC) in 2004 and 2011 and can be found in the Appendix of this Financial Plan.



Town of Brookline FY22 Program Budget

Non-Departmental l Debt and Interest

DEBT SERVICE

Debt Service is the payment of principal and interest costs for bonds issued by the Town for capital projects. For FY22, the Debt Service budget for the General Fund is $36.9 million, an increase of $11,759,766 (31.9%). Please see Section VII of this Financial Plan for a more detailed description of the Capital Improvement Program (CIP), debt, and debt service.

LONG-TERM DEBT

In accordance with the Select Board's Capital Improvements Program (CIP) financing policies, between 4.5% - 6% of the Town's net operating revenues are allocated to service the debt of the CIP. (The policies, which can be found in the Appendix of this Financial Plan, require that a total of 6% of the prior year's net revenue be dedicated to the CIP, with 4.5% targeted for debt and 1.5% targeted for pay-as-you-go.) The Board's policies were designed to boost the commitment to the CIP in an effort to address the backlog of much needed capital projects. In the last 10 years, more than $300 million in bond authorizations have been voted by Town Meeting. The debt service table in Section VII shows debt service for all funds.

BOND ANTICIPATION NOTES

Bond Anticipation Notes (BANs) are temporary borrowings made by the Treasurer in anticipation of a long-term bond issue. If funds for a project are needed quickly, or only a portion of the funds are needed right away, or if a majority of the funds will be reimbursed by another governmental agency, the Treasurer will issue BANs, with the approval of the Select Board. BAN interest costs for FY22 are $100,000.

ABATEMENT INTEREST AND REFUNDS

Interest payments, which may be due to a taxpayer as a result of a tax abatement, are paid from this account. Also paid from this account are small refunds due to taxpayers because of overpayments. The budget is level-funded for FY22 at $60,000.

FY22 Budget Line Item Report

Collapse All	FY20 Actual	FY21 Budget	FY22 Budget	2021-22 Variance	2021-22 Variance
OTHER	$ 34,742	$ 60,000	$ 60,000	0	0.00%
(558095) INTEREST-REFUNDED TAXES	34,742	60,000	60,000	0	0.00%
DEBT SERVICE	17,941,603	25,144,626	36,904,392	11,759,766	31.87%
(580208) PRINCIPAL-MAT DEBT	11,333,360	13,674,000	19,608,782	5,934,782	30.27%
(582086) INTEREST-LONG TERM DEBT	6,468,027	11,237,370	17,195,610	5,958,240	34.65%
(585000) BOND ANTICIP NOTE INT	140,217	233,256	100,000	-133,256	-133.26%
Total	$ 17,976,346	$ 25,204,626	$ 36,964,392	11,759,766	31.81%

Data filtered by EXPENSES, DEBT & INTEREST and exported on February 11, 2021. Created with OpenGov

OFFICE OF THE SELECT BOARD

MEMORANDUM

TO: Select Board

FROM: Melissa Goff, Deputy Town Administrator

RE: Budget Adjustment Debt and Interest

DATE: 4/12/21

With the completion of the bond sale, some adjustments are needed for the debt and interest portion of the budget. The FY2022 budget reflected a plan to borrow the remaining authorization left on the High School project, the Driscoll School Project and the acquisition of Newbury College. The favorable rate achieved on the debt exclusion projects also lowered the budget requirements. Since these adjustments are specific to the debt exclusion there is a corresponding adjustment to the revenue estimate for property taxes.

The new budget detail can be found below:

PROGRAM COSTS				
CLASS OF EXPENDITURES	BUDGET FY2021	BUDGET FY2022	FY22 vs. FY21 $ CHANGE	FY22 vs. FY21 % CHANGE
Long-Term Debt - Principal	13,674,000	19,377,067	5,703,067	41.7%
Long-Term Debt - Interest	11,237,370	14,879,226	3,641,856	32.4%
Total Long-Term Debt	24,911,370	34,256,293	9,344,923	37.5%
Short-Term Debt Interest - Bond Anticipation Notes (BAN's)	233,256	200,500	(32,756)	-14.0%
Total Short-Term Debt	233,256	200,500	(32,756)	-14.0%
Abatement Interest & Refunds	60,000	60,000	0	0.0%
TOTAL EXPENDITURE	25,204,625	34,516,793	9,312,167	36.9%

Cc: Jeana Franconi, Finance Director

'21 MAR 4 AM10:57

Petitioner/s: Deborah Brown, Luciana Schachnik, Arthur Conquest and Jonathan Klein
Contact Info: deborah.brown1@comcast.net

Warrant Article: **RESOLUTION REGARDING THE FISHER HILL SITE AFFORDABLE HOUSING STUDY COMMITTEE**

WHEREAS, the Town's need for housing has gone largely unmet because of the high cost of land, complex zoning issues and limited land, and

WHEREAS, the Town's 2016 Housing Production Plan is the yardstick for evaluating housing production, and

WHEREAS, the Town lacks to the requisite resources to adequately conduct such research called for in the 2016 Housing Production Plan, and

WHEREAS, the Town's 2016 Housing Production Plan asserts that the Town will "provide more than 10 percent of Brookline's year-round housing stock as affordable housing to address documented housing needs and preserve the long-term affordability and physical condition of existing affordable housing units. Participants affirmed this goal with some suggesting that Brookline strive to go beyond the 10% minimum and serve the actual number of residents in need, and,

WHEREAS, Brookline has an expressed commitment to exceed its 10% affordable housing goals, it has struggled to meet this the actual housing needs, and,

WHEREAS, the Town's 2016 Housing Production Plan asserts the it "will look to encourage new housing and mixed-use development, where appropriate, on: Municipally-owned parcels, such as the municipally owned parking lot in Brookline Village situated between Kent and Station Streets, and other properties that may be identified and prioritized as part of a future Strategic Asset Plan," and,

WHEREAS, no such study of municipally-owned parcels has occurred, and

WHEREAS, the 2016 Housing Production Plan calls for the Town to "continue to nurture partnerships with mission-based development organizations to help foster affordable housing development," and

WHEREAS, the Town of Brookline recently purchased 110, 124 and 150 Fisher Avenue and 146 Hyslop Road, but has no planned use for the site, and

NOW THEREORE, be it resolved, that Town Meeting requests that the Select Board with the assistance of the Housing Advisory Board, appoint, within sixty (60) days following the Town Meeting vote, a committee comprised of Housing Advisory Board members, the Brookline Housing Authority, The Brookline Improvement Coalition, one experienced developer and at least one resident to explore ways to build family affordable housing at Book 307, page 1057 and also known as 110, 124 and 15o Fisher Avenue and 146 Hyslop Road and to utilize the committee process and Request for Information tool as recently used for the Kent/Station Street Affordable Housing Initiative. The study team would have 180 days to complete their feasibility study.

Or act on anything relative thereto.

EXPLANATION:

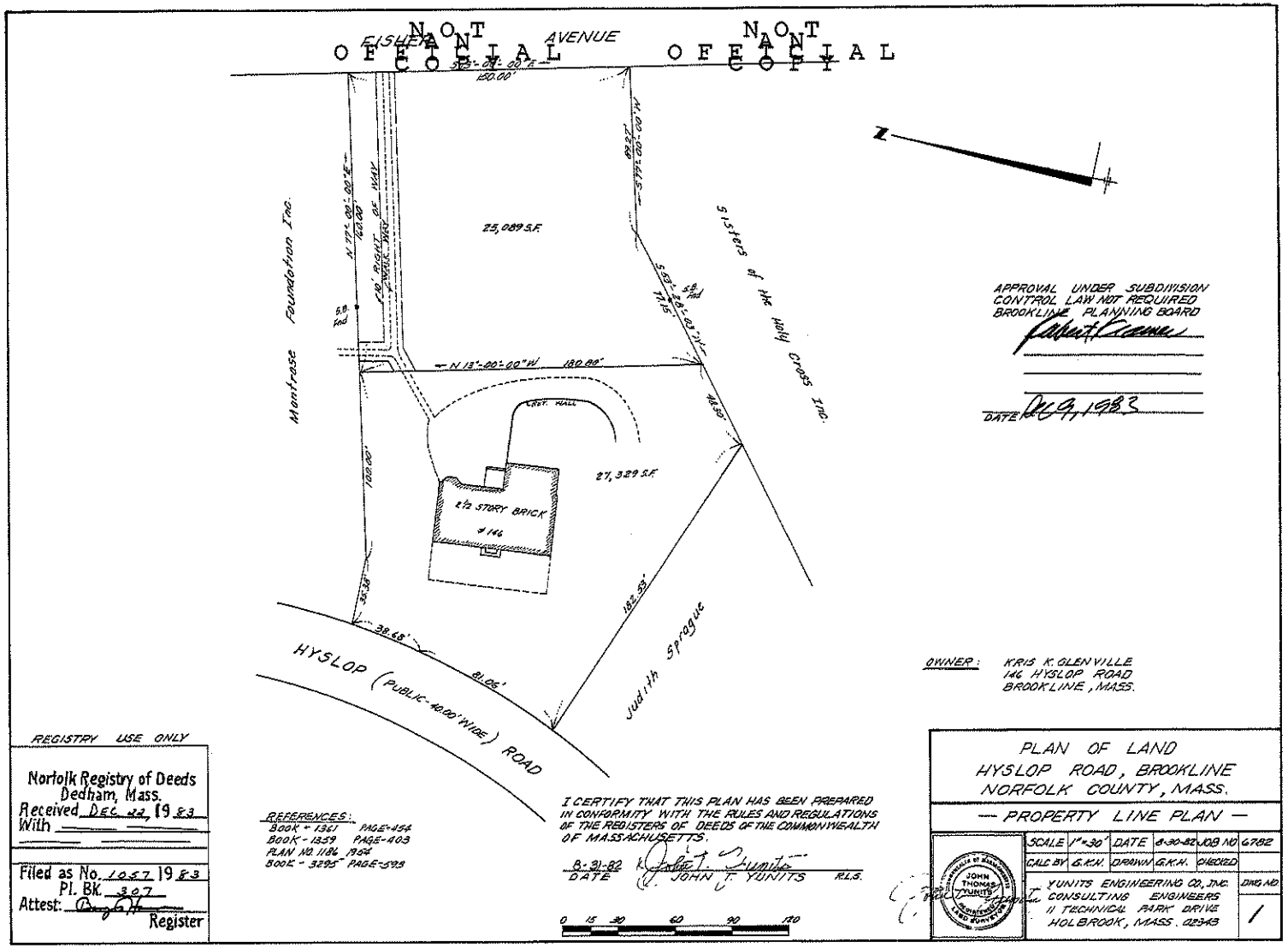
Brookline has substantial affordable housing needs that go unmet. This novel approach shifts a great deal of the burden for evaluating these public parcels onto the hands of experienced affordable housing developers to produce a

preliminary site assessment and pre-development review. They would submit their findings to the Town in order to issue a request for proposal in order to transfer the land.

Source: brookline housing production plan, july 2016

'83 NOV 14 AM 10:57

ORIGINAL ON FILE Filed as No. 1057-1983 Pl. Bk. 307



RESOLUTION REGARDING THE FISHER HILL SITE AFFORDABLE HOUSING STUDY COMMITTEE

'21 MAR 4 AM10:57

Signatures

Name	Signature	Address	Precinct
1. Deborah Brown		26 Parkman St, #1	1
2. Julie Buchinski		26 Parkman St #1	1
3. ENRIQUE TAMAYO		30 PARKMAN ST #2	1
4. Inga Sheaffer		80 Pleasant #4S	2
5. Anne Reenwald		6 Gibbs St	8
6. Jeremy Bloch		6 Gibbs St.	8
7. Christina Kovach		99 Beals St.	8
8. Raul Fernandez		99 Beals St.	8
9. Jonathan Klein		150 St. Paul #406	10
10. Amy Schottenfels		150 St. Paul #406	10
11. LUCIANA SCHACHNIK		7 CLARK RD	6
12. JULIA SCHACHNIK		7 CLARK RD	6
13. Gilson Schachnik		7 Clark Rd	6
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'21 MAR 4 PM10:58

Petitioner/s: Deborah Brown, Luciana Schachnik, Arthur Conquest and Jonathan Klein
Contact Info: deborah.brown1@comcast.net

Warrant Article: **RESOLUTION REGARDING BABCOCK ST PARKING LOT AFFORDABLE HOUSING STUDY COMMITTEE**

WHEREAS, the Town's need for housing has gone largely unmet because of the high cost of land, complex zoning issues and limited land, and

WHEREAS, the Town's 2016 Housing Production Plan is the yardstick for evaluating housing production, and

WHEREAS, the Town lacks to the requisite resources to adequately conduct such research called for in the 2016 Housing Production Plan. and

WHEREAS, the Town's 2016 Housing Production Plan asserts that the Town will "provide more than 10 percent of Brookline's year-round housing stock as affordable housing to address documented housing needs and preserve the long-term affordability and physical condition of existing affordable housing units. Participants affirmed this goal with some suggesting that Brookline strive to go beyond the 10% minimum and serve the actual number of residents in need, and,

WHEREAS, Brookline has an expressed commitment to exceed its 10% affordable housing goals, it has struggled to meet this the actual housing needs, and,

WHEREAS, the Town's 2016 Housing Production Plan asserts the it "will look to encourage new housing and mixed-use development, where appropriate, on: Municipally-owned parcels, such as the municipally owned parking lot in Brookline Village situated between Kent and Station Streets, and other properties that may be identified and prioritized as part of a future Strategic Asset Plan," and,

WHEREAS, no such study of municipally-owned parcels has occurred, and

WHEREAS, the 2016 Housing Production Plan calls for the Town to "continue to nurture partnerships with mission-based development organizations to help foster affordable housing development," and

NOW THEREORE, be it resolved, that Town Meeting requests that the Select Board with the assistance of the Housing Advisory Board, appoint, within sixty (60) days following the Town Meeting vote, a committee comprised of Housing Advisory Board members, the Brookline Housing Authority, The Brookline Improvement Coalition, one experienced developer and at least one resident to explore ways to build family affordable housing at Parcel 047A-07-09, Lot 3, Book 549 and Page 604 also known as 15 Babcock Street and to utilize the committee process and Request for Information tool as recently used for the Kent/Station Street Affordable Housing Initiative. The study team would have 180 days to complete their feasibility study.

Or act on anything relative thereto.

EXPLANATION:

Brookline has substantial affordable housing needs that go unmet. This novel approach shifts a great deal of the burden for evaluating these public parcels onto the hands of experienced affordable housing developers to produce a preliminary site assessment and pre-development review. They would submit their findings to the Town in order to issue a request for proposal in order to transfer the land.

Source: brookline housing production plan, july 2016

Town of Brookline, MA

Exempt Property Record Card

Print FY 2021

New Search

Parcel ID	Location	State Class	CC
047A-07-09	15 BABCOCK ST	931 IMPROVED	Neighborhood Information

Owner Information
TOWN OF BROOKLINE C/O BABCOCK ST PARKING LOT
333 WASHINGTON ST
BROOKLINE, MA 02445

Deed Information
Legal Ref.:4243-622 **Land Area:** 26,485
Sale Date: 2/19/1965 **Sale Price:** $55,000

History
FY 2020: $ 4,106,500
FY 2019: $ 3,912,500
FY 2018: $ 3,409,400
FY 2017: $ 2,960,100
FY 2016: $ 2,960,100
FY 2015: $ 2,706,000
FY 2014: $ 2,919,900
FY 2013: $ 2,949,900
FY 2012: $ 2,949,900
FY 2011: $ 2,736,000
FY 2010: $ 1,350,800

Valuation/Taxes
Residential Value: $0
Commercial Value: $0
Exempt Value: $4,110,800
Residential Exemption: N
FY21 Real Estate Tax: $0
FY21 Preliminary Tax: $0

Property Picture

Building Sketch

GIS Viewer
For Maps, Aerial Views, Zoning, Parks, and Historic Information

'21 MAR 4 AM10:58

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RESOLUTION REGARDING BABCOCK ST PARKING LOT AFFORDABLE HOUSING STUDY COMMITTEE

Signatures

Name	Signature	Address	Precinct
1. Deborah Brown		26 Parkman #1	1
2. Julie Buchinski		26 Parkman #1	1
3. ENRIQUE TAMAYO		30 PARKMAN #2	1
4. Inga Sheaffer		80 Pleasant St #45	2
5. Anne Greenwald	Anne Greenwald	6 Gibbs St.	8
6. Jeremy Bloch		6 Gibbs St.	8
7. Raul Fernandez		99 Beals St.	8
8. Christina Kovach		99 Beals St.	8
9. Jonathan Klein		150 St. Paul #406	10
10. Amy Schottenfels		150 St. Paul #406	10
11. LUCIANA SCHACHNIK		7 CLARK Rd.	6
12. JULIA SCHACHNIK		7 CLARK RD	6
13. Gilson Schachnik		7 Clark Rd	6
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Town of Brookline
Massachusetts

Department of Planning and Community Development

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442
ASteinfeld@brooklinema.gov

Alison C. Steinfeld
Director

TO: Select Board
FROM: Alison Steinfeld, Planning Director
SUBJ: Warrant Articles 38 and 39—Resolutions Regarding Use of Municipal Property to Create Housing
DATE: April 9, 2021

I would like to take this opportunity to provide the Planning Department's comments on Warrant Articles 38 and 39, both of which focus on the conversion of municipally owned property to housing and will require extensive Planning Department involvement.

Warrant Article 38—Resolution to Create a Fisher Hill Study Committee
As you are aware, the Town's decision to pursue acquisition of the west parcel of the former Newbury College Campus was based on the Select Board's commitment to use the Academic Building for short-term municipal uses and to engage in a robust, comprehensive planning process to identify and analyze a wide range of alternative uses for the long-term use of the property. The Planning Department is committed to undertaking that robust planning process, which is tentatively programmed to begin during calendar year 2022. That is, of course, dependent on other demands on limited staff resources. We are currently projecting that the Economic Development-Long Term Planning Division will take the lead responsibility for the reuse planning initiative.

The process will be designed and undertaken to be unbiased and incorporate extensive data collection, technical analysis and public involvement. The Fisher Hill property reuse process will be based in part on the Strategic Asset Plan and Major Parcel Study (both of which were completed in 2018) and other planning initiatives including the Housing Production Plan as well as input from municipal departments and a strong interactive public engagement process.

Warrant Article 39—Resolution Regarding Babcock Street Parking Lot Affordable Housing Study Committee
The Planning Department has been actively focused on exploring the feasibility of entering into a public-private partnership to develop affordable senior housing on the Kent-Station Street Parking Lot while retaining the existing supply of public parking. The project has two major objectives: create critically needed senior housing and serve as a prototype for future similar

projects. That effort has been ongoing for the past several years and has involved a major commitment of the Planning Department and the Select Board's Kent-Station Street Study Group. Work has included: a Request to Identify Interest, a feasibility study by the Massachusetts Housing Partnership, a well-attended public information meeting and, most recently, a Request for Proposals, which has resulted in two finalists.

As expected, this is a complicated concept—albeit an exciting one. Major issues still need to be resolved before we are in a position to recommend proceeding with a developer. Accordingly, the Planning Department respectfully recommends that:

1. The Community Planning Division needs time to focus on making the Kent-Station Street Senior Housing Project a reality—to take on a second project simultaneously will divert staff from the Kent Street project which is at a critical juncture.
2. We still have a great deal to learn from the Kent Street project, which was always intended to be a "test case" for future projects.
3. If and when the Town decides to take on a second parking lot project, the project should be carefully selected from what might be several potential projects or sites based on valid criteria and public discussion.
4. The Planning Department, with support from other departments, needs to conduct some preliminary due diligence on a prospective site or sites including engaging the neighborhood before a specific property is targeted for a further commitment of staff and potentially other resources.
5. The Town has limited resources needed to develop affordable housing and should not over-commit the resources it does have.

We therefore recommend that it is premature to undertake a planning process for the Babcock Street Parking lot.

Bottom Line on WAs 28 and 29

The Planning Department is focusing on several housing-relating planning initiatives that are interrelated and will serve to inform future projects including potential use of municipal property to support housing development. Those initiatives include at this time: the Housing Production Plan Update, the Multi-Family Housing Study (including Parking Demand Study), the Kent-Station Street Parking Lot Project and the Lower Boylston Street Study. Each of these studies to which we are committing extensive staff resources, combined with the already completed Major Parcel Study and the Strategic Asset Plan, will form a foundation for the Fisher Hill Reuse Study and an additional parking lot conversion study. We need time to build that foundation.

ARTICLE XX

RECEIVED
TOWN OF BROOKLINE
TOWN CLERK
'21 MAR 3 PM12:25

XXXXXXXX ARTICLE

Submitted by: Indigenous People Celebration Committee
Lead petitioner: Maya Norton, Naples Rd, mayanorton2014@gmail.com

2021 MAR -3 P 12:36

To see if the Town will amend section 2.1.11 of the Town by-laws by adding a new fourth paragraph to read as follows:

"Following the singing of the National Anthem, an acknowledgement of the history of Indigenous people in Brookline shall be read by the chair or a designee of the Indigenous People Celebration Committee."

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This article amends the General By-Laws Section 2.1.11 Town Meeting Procedures to include a reading of a Land Acknowledgement statement at the beginning of the first or opening session of any annual or special Town Meeting after the singing of the National Anthem. This acknowledgement will highlight the devastating impact of settler colonialism in Brookline, as well as offer recognition of and respect for the Indigenous land that Brookline now occupies, and acknowledge the atrocities that were perpetrated here.

Why is this important?

The town we call Brookline occupies the Indigenous land of the Massachusett people, originally known as *Wôpanahkeeut* or Dawnland.

We, as Brookline residents, need to acknowledge that we have not properly learned the history of the early years of the founding of what is now the United States, that included the genocide and the attempt at the total annihilation of Indigenous peoples and their cultures. This is an uncomfortable history for many of us. Reconciling with our past and adding the voices of those who have been long ignored and silenced is important for all of us. The land our town now occupies was the home of Indigenous peoples for thousands of years before Europeans made their first landfall in the "New World" and began the appropriation of Indigenous land.

We need to recognize that the forced removal of the original occupants of the land paved the way for large tracts of land that were subsequently used for farming. Such lands needed many laborers, thus, leading to enslavement of both Native peoples and Africans, but mainly Africans since the Native population had in large part been killed or forcibly expelled and could not be pressed into slavery.

Here in Brookline, seven Indigenous people and approximately 83 Africans were enslaved. In addition, many members of the town profited greatly from trade with the Caribbean colonies where large numbers of people of African descent were enslaved to provide the labor needed on the sugar plantations. The sugar crop was so lucrative that plantation owners in the Caribbean did not want to grow their own food crops and relied on the importation of food from the Colonies, including Massachusetts. In addition, there were those in Brookline, as well as New England as a whole, who were engaged in the kidnapping, imprisoning and selling of human beings.

Colonial records in the Brookline library document some of the areas within Brookline where Native peoples lived. The historical record documents that seven Native men were sold into slavery in the Caribbean by members of the Brookline community. Their wives were given the choice of remaining enslaved here or accompanying their husbands to the Caribbean to be enslaved there with no assurance that they would be allowed to remain together. It is of note that the average remaining life span of the enslaved in the Caribbean was short, on the order of seven years.

How do we reconcile the history of our past with our vision of ourselves and our best intentions?

As is true for the history of the United States, the history of Brookline has only recently started to acknowledge that there were people living on this land prior to the arrival of the immigrants from Europe. Due to this recent acknowledgement, the Brookline School Committee and the School Department, following the lead of Students Against Institutional Racism, have been updating the history curriculum for almost three years to reflect this new interest in exploring a fuller understanding of our collective past. Only when our whole community embraces the harsh truths of our past, can we, as a collective society, move forward to create together a more just and inclusive future.

Land Acknowledgement Warrant Article
Signature Sheet

This article amends Brookline's General By-Laws Section 2.1.11 Town Meeting Procedures to include the following: *"Following the singing of the National Anthem, an acknowledgement of the history of Indigenous people in Brookline shall be read by the chair or a designee of the Indigenous People Celebration Committee."*

The signatures of 10 registered voters of the Town of Brookline are required to submit this Warrant Article.

	Name	Signature	Address	Precinct
√1	Raul Fernandez		99 Beals Street	8
2	Christina Kovach		99 Beals St.	8
√3	Anne Greenwald		6 Gibbs St.	8
√4	JEREMY BLOCH		6 Gibbs St.	8
√5	Tracie Burns		100 Beals	8
√6	Edward C. Loechler		106 Beals St.	8
√7	Leslie Spaneas		106 Beals St	8
√8	LUCIANA SCHACHNIK		7 CLARK Rd	6
√9	GILSON SCHACHNIK		7 Clark Rd.	6
√10	Deborah Brown		26 Parkman	1
√11	Bonnie Bastien		32 Oakland Rd	5
√12	Maya Norton		96 Naples Rd	8
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17	'21 MAR 3 AM 12:25			
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Land Acknowledgement Warrant Article
Signature Sheet

This article amends Brookline's General By-Laws Section 2.1.11 Town Meeting Procedures to include the following: *"Following the singing of the National Anthem, an acknowledgement of the history of indigenous people in Brookline shall be read by the chair or a designee of the Indigenous People Celebration Committee."*

The signatures of 10 registered voters of the Town of Brookline are required to submit this Warrant Article.

	Name	Signature	Address	Precinct
1	Cornelia van der Ziel	Cornelia van der Ziel	100 Wolcott Rd	15
2	Kenneth Kleene	[illegible]	100 Wolcott Rd	15
3	ANDREI JOSEPH	Andrei Jos	69 Wolcott Road	16
4	Pam Rogers	Pam Rogers	69 Wolcott Rd	16
5	Barbara Weiffenbach	Barbara Weiffenbach	127 Wolcott Rd	16
6	VIRGINIA B. CONQUEST	Virginia B Conquest	115 TAPPAN ST	6
7	Arthur Conquest	Arthur Conquest	115 Tappan St	6
8	Deborah B. Onie	Deborah B. Onie	32 Marshall St.	3
9	Laurence M. Onie	Laurence M. ONIE	32 Marshall St	3
10	Ruthann Sneider	Ruthann Sneider	30 Perry St.	6
11				
12				
13				
14				
15				
16	21 MAR 3 PM12:25			

1

Land Acknowledgement Warrant Article
Signature Sheet

This article amends Brookline's General By-Laws Section 2.1.11 Town Meeting Procedures to include the following: *"Following the singing of the National Anthem, an acknowledgement of the history of indigenous people in Brookline shall be read by the chair or a designee of the Indigenous People Celebration Committee."*

The signatures of 10 registered voters of the Town of Brookline are required to submit this Warrant Article.

	Name	Signature	Address	Precinct
✓1	Michael Goldstein		24 Stedman St Brookline MA 02446	8
✓2	Hadassah Margolis		24 Stedman St. Brookline 02446	8
3	~~[illegible]~~			
✓4	Daniel J. Margolis		28 Stedman St	8
✓5	Patricia Margolis	Patricia H Margolis	28 Stedman St	8
6				
7				
8				
9				
10				
11				
12				
13				
14				
15				
16				

1

Warrant Article Signatures

Signatures of ten registered voters are required. It is recommended that at least 15 or more be collected. Each signature needs:

- to be signed in ink (wet)
- signers name also printed
- signers voting address.

We, the undersigned registered voters of the Town of Brookline, support the attached Warrant Article seeking …(Add brief explanation)

SIGNATURE	PRINTED NAME	VOTING ADDRESS
1 Felina Silver Robinson	Felina Silver Robinson	41 Brook street, Apt. 1
2	Ariana Silver	41 Brook St, Apt. 1
3 Jasmine Silver	Jasmine Silver	41 Brook Street apartment 1
4 Joseph E Robinson	Joseph E Robinson	V/ 13 rock ST Pr 4
5	Tanisha-Marie Mucha	41 Brook St apt B Brookline MA 02445
6 John T. Mulhane	JOHN T. MULHANE	45 BROOK ST #2 BROOKLINE 02445
7		
8		
9		

We certify that the above (31) number of signatures are those of voters registered in the Town of Brookline.

10

TOWN OF BROOKLINE ADVISORY COMMITTEE
Planning and Regulation Subcommittee Report

Warrant Articles 14, 15, 16, 17 Short Term Rentals

The Planning and Regulation Subcommittee of the Advisory Committee held a public hearing on Monday, March 29, 2021, virtually on the Zoom platform to review Warrant Articles 14, 15, 16 and 17. In attendance were Subcommittee members Steven Kanes (Chair), David Pollak, Carlos Ridruero, Lee Selwyn, and Neil Wishinsky. The meeting at its peak had about 30 attendees. The petitioner for Articles 14, 15 and 16 was the Moderator's Committee on Short Term Rentals. Members of that committee present at the hearing were Chair Paula Friedman, Ana Albuquerque, Maureen Coffey, Paul Warren and Sean Lynn-Jones. Paul Warren presented for the Moderator's Committee. Susan Roberts and Maureen Coffey, petitioners of Article 17 were present. Members of the public who spoke were: Roger Blood, Lee Biernbaum, Heleni Thayre, Chiuba Obele and Branch Moody. Polly Selkoe represented the Department of Planning and Community Development

Summary

The Short Term Rentals (STR) series consists of 4 warrant Articles.

- **Article 14** is a change to the Zoning Bylaw which explicitly creates a new use in the Zoning Table of Use Regulations and permits then in all district. (Notable exception is homes with Accessory Dwelling Units [passed in November 2019] which in another part of the Zoning Bylaw has a 6 month rental minimum.)
- **Article 15** sets up a regulatory framework around STR's to include among other things:
    - only owner occupied dwellings can participate,
    - inspections by the Town prior to being permitted to rent,
    - limits on number of days allowed,
    - reporting on the Town website,
    - notification of abutters and if the STR is in a condo,
    - a certification by the condo association
- **Article 16** specifies fines and penalties
- **Article 17** (filed by Susan Roberts, TMM P2 and Maureen Coffey) proposes some modifications to the Article 15 regulatory framework.

The Planning and Regulation Subcommittee is recommending FAVORABLE ACTION on Articles 14, 15 and 16 essentially as presented by the Moderator's Committee with some limited modifications which will be explained.

Additionally, the subcommittee is recommending a contingent motion for the Article 14 zoning changes in case Town Meeting does not pass these warrant articles. The contingent motion defines STR's in the use table but disallows the use everywhere in Town. This is being recommended as a counter to a pending lawsuit challenging the Building Commissioner and ZBA's determination that our Zoning Bylaw does not allow for the operation of Short-Term Rentals in Brookline. If Town Meeting does not pass these warrant articles in some form and the court holds that the Building Commissioner and ZBA have been incorrect, then all STR's will become an "as of right use" and will be grandfathered into all future changes to the zoning by-law. They will then exist without any regulatory framework.

The Subcommittee is recommending NO ACTION on Article 17.

Background

A similar series of warrant articles covering Short Term Rentals was on the warrant for the Fall 2020 Special Town Meeting and was referred to the Moderator's Committee on Short Term Rentals after extended discussion at Town Meeting. The warrant articles before us are the result of that Committee's deliberations. The Moderator's Committee wrote a very detailed explanation of these warrant articles which this report will not repeat.

Current Situation

Short term rentals in their current form are a relatively recent arrival in Brookline driven by websites such as Airbnb, which provides a marketing and payment platform in return for a commission on the rental. STRs are not a defined use in our Zoning Bylaw. As a result, the Building Commissioner and ZBA have both determined that STRs are prohibited in Brookline. However, given the number of STR's (estimated to be in the hundreds) the Building Commissioner is enforcing short-term rentals on a complaint driven basis. Note that prior to the pandemic, STR's brought over $400,000 to the Town in the form of room tax revenue.

There is a Pending lawsuit challenging the Building Commissioner's and ZBA's determination that our Zoning Bylaw does not allow for the operation of Short-Term Rentals in Brookline.

Current proposal

Bylaw Features that did not Change from the November 2020 Warrant Articles

- Operator must have a valid certificate of operation issued by the Town
    - Active Certificates of Operation will be posted on the Town Website
    - Abutters within 300 feet notified when certificate is issued
- The owner must own the unit and the unit must be the Operator's Primary residence
    - No investor or owner adjacent units
- STRs allowed in all zoning districts (Article 14)
- Information regarding trash disposal, recycling and parking regulations must be posted for guests
- Maximum of 90 rental days per year; no more than 27 rental days in a month
- Rentals of less than 24 hours prohibited
- Select Board can issue regulations
- Violations posted on Town Website
    - Fine of $300 per violation
    - Certificate revoked if 3 violations with 12 month period
    - Public hearing upon request of STR operator

- Enforcement by Town Agencies (Health, Fire, Building Depts.)

Key Changes from November 2020 proposal:

- Operator not required to be present during rental
- All condos treated the same
    - Condos with less than 4 units not required to have consent from all unit owners
- Maximum rental duration is 27 days, down from 31.

Key differences in Article 15 between the Moderator Committee/P&R Subcommittee recommendation and the Article 17 motion:

Category	**Article 15-Moderator's Committee/P$R Subcommittee**	**Article 17-Roberts/Coffey**
Number of Guests	2 per bedroom 2 bedrooms, 4 guests in multi-unit dwelling 3 bedrooms, 6 guests in single-unit dwelling	2 per bedroom (no unit cap)
Condos	Written certification from condo association that STR complies with condo rules	None
Notification	Abutters within 300 feet notified within 15 days of certificate issuance	None
Revocation	Certificate to operate revoked for 3 or more violations in a 12 month period. Operator has a right to a public hearing	Allow continued operation of the STR until public hearing is held.
Inspections	Required prior to issuance of certificate. Building Commissioner has discretion to inspect upon renewal.	Inspection permitted but not required prior to issuance. Building Dept. discretion
Rental Days	90 days in a calendar year	No limit
Fines	$300 for each violation. Each day of a continuing violation is a separate violation.	Violation determination at discretion of enforcement agency
Reporting	Active Certificates of Operation posted to Town Website. Violations also posted to website.	Only violations posted to website are STRs with certificates of operation revoked, suspended or modified due to 3 or more violations in 12 month period or good cause.

Contingent Motion

The subcommittee is recommending a contingent motion only if Town Meeting does not pass a version of Articles 14-17. The contingent motion amends the zoning bylaw to

explicitly prohibit of STRs throughout the Town. This is needed due to a pending lawsuit challenging Town's determination that STRs are currently prohibited by Brookline's Zoning Bylaw. If Town Meeting does not pass these warrant articles in some form and the court holds that the Building Commissioner and ZBA have been incorrect, then all STR's could become an "as of right" use. Should this happen, it means (1) existing STRs will be grandfathered from all future changes to the zoning by-law, and (2) would exist without any local regulations in place to protect our long-term housing inventory, and to ensure the safe and orderly operation of STRs in Brookline. This is, perhaps, a "nuclear" option given the hundreds of STRs which would be explicitly outlawed. This is one measure of the stakes presented by these warrant articles. Note that STR's in existence at the time of an adverse ruling would be affected but passage of the contingent motion could prevent future "as of right" STR's.

Article 17

Maureen Coffey co-petitioner of Article 17 and a member of the Moderator's committee made the following points among others:

- She had some fundamental differences with the committee process
- The committee voted not to discuss the maximum days per year. She felt they should have discussed that.
- There wasn't town wide representation on the committee with 3 members from Precinct 1.
- The Articles should have been structured in a manner to permit amendments during the Town Meeting vetting process.
    - Article 17 serves that purpose.
- The committee should not have responded to the litigation threat with a contingent motion.

Susan Roberts, the other co petitioner of Article 17 made additional points:

- The committee should have made decisions on limits using data and research. The committee had very limited data and little reliable research.
    - Where did the 90- day maximum days for renting come from?
    - Why the limitation of a maximum rental term, 27 days?
- By limiting the STR's to owner occupied units, over 200 existing STR's will be shut down.
- Protections and safeguard inherent in the limitation of STRs to owner occupied units were ignored resulting in an overbearing regulatory scheme.
    - If you are living with guests you will not over crowd or allow loud parties
- Other points of disagreement:
    - By requiring condo association "consent", the town is being more restrictive than the condo documents.
    - The notification of abutters after the issuance of the operating certificate doesn't serve any purpose
    - Town inspections should be optional especially given the potential workload as opposed to the available inspection resources.
    - Automatic rescission of the license after 3 violations doesn't provide due process

Highlights of points made in the subcommittee question period:

- With the 2 guests per bedroom limitation how would very small children be counted? For example, a small child sleeping in the parent's room? The answer was that common sense should prevail.
- In last fall's proposal, for condo associations with 4 or fewer units consent of all condo owners was required, why not here? The STR committee decided that upon further reflection that all associations should be treated the same and there should not be different rules for different sized associations.
- Does this series of articles address enforcement issues that were raised in the Fall? Not really, but there are a number of mitigations. Allowing only owner occupied STR's will reduce the number of STR's in town and pushing back the effective date to January, 2022 will allow Town Departments time to do inspections prior to the startup of the law. Allowing discretion for inspections at renewal will allow Town departments to focus and be selective in their resource allocations. If Article 16 doesn't pass there will continue to be no regulatory framework for permitting and inspections of STR's.
- The effect of STR's on the housing supply was discussed. A large number of STRs would reduce the housing supply and could drive up rents. Limiting STRs to owner occupied units could return investor owned and owner adjacent units to the rental market and increase the housing supply.

Highlights of points made during public comment:

- STR's provide an affordable alternative to hotels to provide lodging for relatives of Town residents
- For condo associations, the Town should not impose additional decision making structures beyond those provided in the condo's governing documents. The Town is crossing the line by inserting itself into a condo association's decision making process.
- The need to start slowly is not supported by data. Of the many noise complaints made to the Town, this speaker said that only 1 involved an STR.
- Another speaker commented that the data on complaints is unreliable.
- One speaker commented on the removal of the requirement for the owner to be on site. He maintained that that weakened the protections for neighbors.
- A speaker thought that the maximum number of days a unit could be rented should be 45 as opposed to 90 in the STR Committee proposal.

Proposed Subcommittee modifications from the Moderator's Committee proposal

Article 14: Sean Lynn-Jones spoke to the fact that the Accessory Dwelling Unit (ADU) zoning bylaw modification voted at the November 2019 Special Town meeting had a requirement that rentals be for not less than 6 months for both the ADU and the primary residence attached to the ADU. That modification has not been posted to the Town website and would be difficult to find. The subcommittee agreed that it would be clearer for the reader of the zoning bylaw to reference that section in the STR section to make sure it is not missed. The proposed motion adds language that accomplishes this.

Article 15:

1. The Moderators Committee listed required items of documentation for operators of STRs and included the phrase "may include." The subcommittee changed the "may" to "shall".
2. Roger Blood suggested tightening the language on the procedure to establish owner occupancy to require a yearly recertification by submission of an affidavit by the operator. The subcommittee accepted this suggestion.
3. The most substantive change involved how compliance with condominium association rules would be established for STR's in condos. The Moderator's Committee proposal has (1) a submission by the condo association that they "consent" to the STR and (2) a certification by the operator that the STR complies with "all condominium documents, by-laws, or other governing documents." The subcommittee questioned the Town needed a certification by the operator if the Town is receiving a certification from the association. The association certification is the one that counts. The committee also questioned the nature of "consent" by the condo association and how that consent could be denied unless "documents, by-laws, or other governing documents" prohibit STR's.

   The subcommittee language removes the operator certification regarding condo rules compliance. It then requires the condo association to certify that the STR complies with the condominium "documents, by-laws, or other governing documents" (as opposed to "consent".)

Recommedation

The subcommittee commends the Moderator's Committee for taking on this complex topic in a very short, compressed timeframe and addressing the concerns expressed during the Town Meeting debate in the fall. The Moderator's Committee has found a good balance between allowing homeowners to make some extra money while respecting an STR's neighbors while reasonably assuring that visitors to the Town have safe accommodations. Article 17 goes beyond what the Moderator's Committee is recommending for Article 15 and thus broadens the scope of the warrant, opening the door to potential amendments prior to Town Meeting.

The Planning and Regulation subcommittee is recommending:

1. Article 14: FAVORABLE ACTION (as amended) with a 4-1 vote.
2. Article 14 Contingent on Articles 14-17 not passing: FAVORABLE ACTION with a 5-0 vote.
3. Article 15: FAVORABLE ACTION (as amended) with a 5-0 vote.
4. Article 16: FAVORABLE ACTION (as amended) with a 5-0 vote.
5. Article 17: NO ACTION with a 5-0 vote.

The recommended redlined votes follow:

ARTICLE 14 (Redline shows differences from how the Article appears in the Warrant.) (4-1 vote)

VOTED: That the Town will amend the Zoning By-law as follows:

1. **By amending §2.19, "S" Definitions, as follows:**

   Inserting the following:

   1. Short-Term Rental (or "STR") – The rental of a whole or portion of a Dwelling Unit for not more than 27 consecutive calendar days, as otherwise defined by M.G.L. Chapter 64G, Sec. 1, which shall be the Primary Residence of the operator.

      In accordance with M.G.L. Chapter 64G, the term excludes properties that are, or that are required by law to be, licensed as a lodging house because the lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes: (a) properties that are, or that are required by law to be, licensed as a hotel, motel, or bed and breakfast establishment, and (b) Accessory Dwelling Units (as defined and permitted otherwise by the Town's Zoning Bylaw) or their associated primary dwelling units.

   2. Short-Term Rental Operator – Any person operating a Short-Term Rental. An Operator must be the owner of the Short-Term Rental Unit.

   3. Short-Term Rental Unit – A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

   And increasing each subsequent section number by 3.

2. **By amending §2.16, "P" Definitions, as follows:**

   Renumbering the five existing sections titled "PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL"**,** "PARKING GARAGE OR PARKING AREA, RESIDENTIAL", "PORCH, ENCLOSED AND UNENCLOSED"**,** "PRIVATE CLUB OR LODGE"**, and** "PROFESSION, RECOGNIZED" **as sections 1, 2, 3, 5, 6 respectively and inserting the following after** "3. PORCH, ENCLOSED AND UNENCLOSED"**:**

   4. Primary Residence – Any property at which a resident resides for at least 183 days of the calendar year.

3. **By amending §4.07, Table of Use Regulations, as follows:**

Accessory	Residence	Business	Ind.

Uses	S	SC	T	F	M	L	G	O	
51C. Short-Term Rentals in possession of a valid Town Certificate of Registration and in accordance with §4.14 only.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

4. By amending the Use Regulations by adding the following section, §4.14, Short-Term Rentals:

§4.14 – SHORT-TERM RENTALS

1. Purpose

This section is intended to protect the health and safety of visitors and residents, ensure that the primary use of these properties remains as a residence, and to minimize the effect Short-Term Rentals have on the character and livability of residential neighborhoods and the well-being of surrounding residents.

2. Applicability

a. The requirements of this section shall apply to any Short-Term Rental. No property shall be offered as a Short-Term Rental except in compliance with each of the provisions of this By-Law.
b. Nothing in this By-Law shall be construed to make the Town responsible for compliance with or enforcement of condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

3. Requirements

Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes, including, but not limited to, the Town's General By-law entitled "Short-Term Rentals".

4. Severability

If any provision(s) of this section is held to be invalid, such provision(s) shall be severed and the remaining sections shall be valid.

These amendments to the Zoning by-law shall take effect on January 1, 2022.

ARTICLE 14 Contingent Motion if Articles 14-17 do not pass (5-0 vote)

VOTED: that the Town will:

1) Amend Section 2.19 of the Town of Brookline Zoning By-law by inserting the following:

½. SHORT-TERM RENTAL – The rental of a whole or portion of a dwelling unit as defined under M.G.L. Chapter 64G.

2) Amend Section 4.07 of the Town of Brookline Zoning By-law by adding the following use 51C:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
51C. Short-Term Rental for periods of 27 days or fewer.	No	No	No	No	No	No	No	No	No

ARTICLE 15 (Redline shows differences from how the Article appears in the Warrant.) (5-0 Vote)

VOTED: That Town will amend the General By-laws by adding the following article:

ARTICLE 5.11
Short-Term Rentals

Section 5.11.1 PURPOSE

The Town of Brookline adopts this By-law for the regulation and restriction of Short-Term Rentals within the Town in order to protect the health and safety of renters and residents, and to provide a process through which certain properties that meet specific requirements and eligibility criteria may be registered with the Town of Brookline for use as Short-Term Rentals.

Section 5.11.2 DEFINITIONS

As used in this by-law, the following terms shall have the following meanings:

"Enforcement Authority": As designated by Article 10.2 of the General By-Laws.

"Short-Term Rental", or "STR": The rental of a whole or portion of a Dwelling Unit for not more than 27 consecutive calendar days, as otherwise defined by M.G.L. Chapter 64G, Sec. 1, which shall be the Primary Residence of the operator.

In accordance with M.G.L. Chapter 64G, the term excludes properties that are, or that are required by law to be, licensed as a lodging house because the lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required by law to be, licensed as a hotel, motel, or bed and breakfast establishment.

"Short-Term Rental Unit": A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

"Short-Term Rental Operator": Any person operating a Short-Term Rental. An Operator must be the owner of the Short-Term Rental Unit.

"Primary Residence": Any property at which a resident resides for at least 183 days of the calendar year.

Section 5.11.3 ELIGIBILITY/APPLICABILITY

1. Any Short-Term Rental Operator seeking to establish a Short-Term Rental Unit must apply for and receive a Certificate of Registration, following the procedure set forth in Section 5.11.4. The following eligibility requirements shall apply to applicants seeking a Certificate:

a. The Short-Term Rental Unit cannot be subject to any local, state, or federal income-eligible or income-restricted program that is designated as below market rate housing.

b. The Short-Term Rental Unit shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the residential unit as a Short-Term Rental.

c. The Short-Term Rental Unit shall not be in arrears regarding any municipal or state taxes, fines or fees. Short-Term Rentals, Short-Term Rental Operators, and Short-Term Rental Certificates of Registration are subject to Article 4.7 of the Town's General By-laws.

d. The accommodations offered must be compliant with all applicable state and local codes, including building codes, fire codes and health codes.

e. Occupancy is limited to a maximum of two (2) guests per bedroom. In a multi-unit building, occupancy is limited to a maximum of four (4) guests. In a single-unit building, occupancy is limited to a maximum of six (6) guests.

2. Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

Section 5.11.4 REGISTRATION PROCEDURE AND SUBMISSION REQUIREMENTS

1. In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which ~~may~~ shall include, but not be limited to:

   a. Any application fee, as may be determined by the Select Board.

   b. Proof of Primary Residence, either by: 1) providing proof of enrollment in the Brookline residential tax exemption program; or 2) an income tax return for the current year and a recent utility bill both showing the current address of the operator as the address of the Short-Term Rental Unit. Primary Residency must also be certified by the operator at the time of application and not less than once per calendar year thereafter by an affidavit in a form to be provided by the Town and signed by operator.

   c. Where a Short-Term Rental Unit is part of a condominium association, a certification signed by the condominium association that the ~~condominium association consents to the use of the Operator's unit as a Short-Term Rental.~~ proposed Short-Term Rental complies with all condominium documents, by-laws, or other governing documents.

~~d. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the applicant that the operation of the Short-Term Rental complies with all condominium documents, by-laws, or other governing documents~~.

~~e.~~d. Floor plan of the Short-Term Rental Unit indicating the specific rooms to be offered. The floor plan shall identify each room by a numerical or alphabetical identifier. The floor plan may be sketched by hand but should be legibly labelled with the numerical or alphabetical identifier and the use of that room (e.g., bedroom, living room, etc.). The floor plan should identify the rooms to be used as sleeping accommodations and the proposed maximum occupancy for each. An operator may be asked to resubmit a floor plan with amendments in the event it is unacceptable to the Town's inspectional departments for health and/or safety or code compliance reasons.

~~f.~~e. Local Contact Information. When registering, a Short-Term Rental Operator must provide their name, address, home telephone number, cell phone number, and email address, as well as such contact information for a secondary contact. Such contact information should identify at least one individual with corresponding contact information (including an active telephone number at which the person will be reachable 24 hours a day) who can respond in person within two hours of contact by a Town official to any issue or emergency that arises during a Short-Term Rental.

~~g.~~f. Such other information and documentation as the Select Board's Office may determine.

~~h.~~g. Within 14 days of the issuance of a Certificate of Registration, the Select Board Office shall mail notice of the Certificate of Registration to abutters (property owners, residents and tenants) within 300 feet of the Short-Term Rental Unit.

2. The initial issuance and renewal of a Certificate of Registration shall be subject to the applicant's compliance with applicable federal, state and local law, including this By-Law.

3. The Certificate of Registration shall be valid for a period of one (1) to five (5) years, as the Select Board's Office may determine. The Certificate of Registration shall include a registration number, and shall identify the type of Short-Term Rental, the specific rooms that may be used as sleeping accommodations, and the maximum occupancy for each such room and for the unit as a whole.

4. An operator may seek modification of a Certificate of Registration, including with regard to rooms to be used as sleeping accommodation and maximum occupancies, by submitting such documentation as may be required by the Select Board's Office in connection with such request. Modification of a Certificate of Registration is subject to approval by the Town's Health, Building and Fire

Departments, who may conduct a pre-approval health and safety inspection as necessary. No modification of a Certificate may effect a change to the type of Short-Term Rental for which the Certificate was issued.

5. Certificates of Registration are non-transferable. A Certificate of Registration shall be null and void upon a change in property owner or upon any change in the Primary Residence of the Short-Term Rental Operator that makes the unit ineligible for operation as a Short-Term Rental under this By-law.

6. An Enforcement Authority may revoke, suspend or modify a Certificate of Registration for good cause. The Short-Term Rental Operator shall have the right to a hearing, or opportunity therefor, in connection with such action.

7. Should the Short-Term Rental Operator be issued three (3) or more violation notices within any twelve (12) month period under this article, or of any municipal ordinance, state law, or building code, the Certificate of Registration will be revoked. In such case, a new Certificate of Registration may only be re-issued after a public hearing before the Select Board, which may, impose additional conditions. In the event an Enforcement Authority suspends or revokes an operator's right to operate an STR, the Town shall notify the Massachusetts Commissioner of Revenue of the suspension or termination.

Section 5.11.5 INSPECTIONS

Prior to approving an initial Certificate of Registration, the Health, Building and Fire Departments shall conduct a health and safety inspection. Such inspections may be conducted upon renewal or in connection with an annual or other inspectional schedule to be determined by the Town. Such inspections may be used to verify that each Short-Term Rental Unit:

1. Meets all building, health and fire code and regulatory requirements.

2. Meets all requirements of this By-Law and of any regulations promulgated pursuant to this By-law.

Inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints and/or concerns regarding non-compliance or health and safety issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

Section 5.11.6 OPERATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL UNITS

1. No person shall operate a Short-Term Rental without a current Certificate of Registration pertaining to the Short-Term Rental Unit.

2. Short-Term Rentals shall comply with all applicable federal, state, and local laws,

regulations and codes.

3. Except as may be otherwise specified by Select Board regulation promulgated pursuant to this By-Law, a Short-Term Rental Operator may offer their Short-Term Rental Unit for up to 90 days per year.

4. A Short-Term Rental must be operated consistent with the terms set forth on the Certificate of Registration and with applicable law, including, but not limited to, with regard to rooms to be used as sleeping accommodations, the maximum occupancy of each room, the maximum occupancy of the unit as a whole, and any other stated conditions.

5. The following must be included within each Short-Term Rental Unit:

    a. Diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits and fire alarms inside the Short-Term Rental Unit as well as in the building, as well as an evacuation route(s) highlighted in red. The diagram shall be posted (i) in each bedroom used as a Short-Term Rental, (ii) on all egresses from the Short-Term Rental Unit, and (iii) in common areas accessible to the Short-Term Rental Unit;

    b. A conspicuously placed binder with, at a minimum, the following information:

        i. Local contact information including the name, address, home and cell phone numbers and email address for the Short-Term Rental Operator as well as one additional contact person who shall be reachable 24 hours a day in the absence of the Operator,
        ii. Instructions for disposal of trash and recycling pursuant to any applicable requirements established by the Town of Brookline and/or by the property owner or condominium association,
        iii. Information about Brookline parking regulations, including overnight parking restrictions and designated parking areas for guests, and
        iv. Copy of Certificate of Registration from the Select Board's Office;

    c. Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;

    d. A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72; and

    e. Any other documentation required by the Select Board's Office to be

distributed inside Units.

6. Public advertisements (online or in print) for a Short-Term Rental shall include in the advertisement the Town-issued registration number associated with the Short-Term Rental's Certificate of Registration. A Short-Term Rental Operator shall only use the name stated on the application for an initial or renewed Certificate of Registration in on-line or other listings of the Short-Term Rental Unit.

7. A Short-Term Rental Operator must keep accurate records of their business including date(s) of rental, rental rates, names of customers and customers' contact information for a period of three (3) years, and make them available to the Town upon request consistent with applicable federal, state and local law.

8. A Short-Term Rental Operator shall notify the Select Board's Office of any change in the Operator's Primary Residence within two (2) weeks of any change.

9. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.

10. Commercial uses are prohibited in Short-Term Rental Units.

11. Short-Term Rental Operators shall cooperate and comply with lawful requests for information made by the Select Board's Office and its agents, including from the Planning, Building, Health, Police, Fire and Public Works Departments. Such requests may include requests for by-laws and other condominium documents in order to verify certification(s) submitted to the Town in connection with a Short-Term Rental Certificate of Registration.

Section 5.11.7 REGULATIONS

The Select Board may issue regulations for the implementation of this By-law, including for the establishment of any appeal process, and for the establishment of a cap on the number of Certificates of Registration issued.

Section 5.11.8 APPEALS

Unless provided otherwise by Select Board regulations, any person aggrieved by the action or failure to act of a certifying agent shall have the right of appeal to the Select Board. Such appeal must be made in writing and filed with the office of the Select Board within fourteen days from the date action was taken. If the party aggrieved appeals from a failure of a certifying agent to act within forty-five days from the filing of an application, such appeal shall be made in writing and filed with the office of the Select Board within sixty days from the date of application.

Section 5.11.9 FINES

Any person violating this By-law shall be fined in the amount of $300 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 5.11.10 REPORTING

1. A list of Short-Term Rental Units with active Certificates of Registration will be published on the Town website and updated at least monthly. Information must include address, Short-Term Rental type, Certificate of Registration effective and expiration dates, approved number of rooms and guests and any other restrictions.

2. A list of Short-Term Rental Unit violations will be published on the Town website and updated at least monthly. Information must include Certificate of Registration number, address, date of violation, type of violation, and dollar amount of fine.

Section 5.11.11 EFFECTIVE DATE

These amendments to the General By-law shall take effect on January 1, 2022.

Section 5.11.12 SEVERABILITY

If any provision(s) of this Article 5.11 of the General By-law is held to be invalid, such provision(s) shall be severed and the remaining sections shall be valid.

Article 16 (5-0 vote)

Voted: that the Town will amend Article 10.2 (Prosecutions and Enforcement) of the General By-Laws as follows (additions are in **bold underlining**):

ARTICLE 10.2
PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following bylaws and articles shall be by the following department head or their designees:

DEPARTMENT HEAD	**ARTICLE**	
BUILDING COMMISSIONER		
Part V – Private Property	Articles	5.2, 5.3, 5.4 5.6, 5.7, 5.8**,**
5.11 (5. 11 ("Short-Term Rentals") to be effective January 1, 2022)		
DIRECTOR OF HEALTH & HUMAN SERVICES		
Part V – Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7**, 5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**
FIRE CHIEF		
)Part V – Private Property	**Articles**	**5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**

....

TOWN ADMINISTRATOR		
Part V – Private Property	**Articles**	**5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**

Submitted by: Moderator's Committee on Short-Term Rentals. Paula Friedman, chair
PKF@BU.EDU

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

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1. By amending §2.19, "S" Definitions, as follows:

Inserting the following:

1. Short-Term Rental (or "STR") – The rental of a whole or portion of a Dwelling Unit for not more than 27 consecutive calendar days, as otherwise defined by M.G.L. Chapter 64G, Sec. 1, which shall be the Primary Residence of the operator.

   In accordance with M.G.L. Chapter 64G, the term excludes properties that are, or that are required by law to be, licensed as a lodging house because the lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required by law to be, licensed as a hotel, motel, or bed and breakfast establishment.

2. Short-Term Rental Operator – Any person operating a Short-Term Rental. An Operator must be the owner of the Short-Term Rental Unit.

3. Short-Term Rental Unit – A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

And increasing each subsequent section number by 3.

2. By amending §2.16, "P" Definitions, as follows:

Renumbering the five existing sections titled "PARKING GARAGE OR PARKING AREA, NON-RESIDENTIAL", "PARKING GARAGE OR PARKING AREA, RESIDENTIAL", "PORCH, ENCLOSED AND UNENCLOSED", "PRIVATE CLUB OR LODGE", **and** "PROFESSION, RECOGNIZED" **as sections 1, 2, 3, 5, 6 respectively and inserting the following after** "3. PORCH, ENCLOSED AND UNENCLOSED":

4. Primary Residence – Any property at which a resident resides for at least 183 days of the calendar year.

3. By amending §4.07, Table of Use Regulations, as follows:

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I

51C. Short-Term Rentals in possession of a valid Town Certificate of Registration and in accordance with §4.14 only.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes

4. By amending the Use Regulations by adding the following section, §4.14, Short-Term Rentals:

§4.14 – SHORT-TERM RENTALS

1. Purpose

This section is intended to protect the health and safety of visitors and residents, ensure that the primary use of these properties remains as a residence, and to minimize the effect Short-Term Rentals have on the character and livability of residential neighborhoods and the well-being of surrounding residents.

2. Applicability

a. The requirements of this section shall apply to any Short-Term Rental. No property shall be offered as a Short-Term Rental except in compliance with each of the provisions of this By-Law.
b. Nothing in this By-Law shall be construed to make the Town responsible for compliance with or enforcement of condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

3. Requirements

Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes, including, but not limited to, the Town's General By-law entitled "Short-Term Rentals".

4. Severability

If any provision(s) of this section is held to be invalid, such provision(s) shall be severed and the remaining sections shall be valid.

These amendments to the Zoning by-law shall take effect on January 1, 2022.

Or act on anything relative thereto.

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	SIGNATURE	PRINT NAME	ADDRESS
1.		Paul J. Warren	71 Carlton St.
2.		Amy R. Evrim	71 Carlton Street
3.		Katharine Silbaugh	68 Amory St.
4.		DANIEL JURAVS	68 AMORY ST.
5.		Susan E. DeLong	3 Worthington Rd
6.		Robert G. DeLong	3 Worthington Rd.
7.		Patrick Maguire	18 Monmouth Court
8.		ANA ALBUQUERQUE	24 EUSTON ST APT #2
9.		Rui Albuquerque	24 EUSTON ST #2
10.		Summer LATIF	24 EUSTON ST. #1
11.		Raymond Latif	24 Euston St #1
12.		Neil Gordon	85 Ivy St
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Moderator's Committee on Short-Term Rentals: Article A (Zoning By-Law)

10A

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	SIGNATURE	PRINT NAME	ADDRESS
1.		Sean M. Lynn-Jones	53 Monmouth St.
2.		Cathleen Carvell	27 Monmouth Ct
3.		Robert Schram	47 Monmouth St
4.		Nicole Schram	47 Monmouth St
5.		Richard Garver	23 Monmouth Ct
6.		Penny Garver	23 Monmouth Court
7.		Karen Lynn-Jones	53 Monmouth St
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PKF@BU.EDU

Explanation of Warrant Articles
Moderator's Committee on Short-Term Rentals

Summary

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The Moderator's Committee on Short-Term Rentals is submitting three Warrant Articles for the May 2021 Annual Town Meeting. These Articles are much-revised versions of Articles 9, 10, and 11 from the November 2020 Town Meeting. The committee revised the Articles to address questions and concerns raised by Town Meeting members and Brookline residents. The Articles would amend the zoning and general by-laws to allow short-term rentals in all zoning districts. Short-term rentals would be defined as rentals for 27 or fewer consecutive days. Short-term rental units could be rented for up to 90 days per year. Operators would be required to be permanent residents and to own the rented units, but they would not be required to be present while the unit was being rented. The Articles would all require that operators obtain a certificate from the Town, that units be inspected to ensure health and safety, and that operators confirm that rental of the unit is consistent with any relevant condominium association by-laws.

The committee's recommendations are intended to allow the safe operation of short-term rentals in Brookline, to prevent the operation of large numbers of investor-owned professionally managed short-term rental units, and to minimize any negative impact on Brookline residents.

Background

Short-Term Rentals (STRs) are a relatively new concept. Although for many decades some Brookline homeowners may have rented rooms to short-term paying guests, in recent years STRs have become more numerous and more prominent as a result of the convenience of online booking platforms. The best-known of these platforms is Airbnb, although many others exist, including VRBO, booking.com, and Homeaway.

Prior to the Covid-19 pandemic, Brookline's Department of Planning and Community Development estimated that 300–400 STRs were operating in Brookline. Subsequent data provided by the Massachusetts Department of Revenue (DOR)[1] indicates that approximately 265 operators have registered with the DOR to operate a short-term rental in Brookline. Presently, the operation of an STR in Brookline is prohibited because Short-Term Rental is not explicitly listed in the Zoning By-Law's Table of Use Regulations (Table 4.07). Table 4.07 is used by the building commissioner to determine what is allowed. Enforcement is currently handled by the Building Department on a complaint-driven basis and some STRs have been shut down as a result. It is important to note that a lawsuit has been filed challenging how the building commissioner and Zoning Board of Appeals have interpreted the Zoning By-Law as it pertains to Short-Term Rentals in Brookline. If this lawsuit prevails without Brookline having Short-Term Rental regulations in place, Short-Term Rentals will become an as-of-right use in Brookline.

[1] On January 25, 2021, the deputy town administrator provided the Moderator's Committee with an XLS file entitled "short term rentals registered in brookline.xls" that was produced by the Department of Revenue.

Bennett, Transportation Administrator Todd Kirrane, Assistant Director for Regulatory Planning Polly Selkoe, and First Assistant Town Counsel Patty Correa. The Committee expresses its sincere appreciation for the information and advice provided by these Town officials and also for the essential assistance provided by Zoning Coordinator/Planner Monique Baldwin, Kate McGillivray in the Select Board's Office, and Devon Fields, administrative services director in the Select Board's Office.

The committee devoted most of its time to an in-depth line-by-line review of the provisions of the Advisory Committee motions under Articles 9, 10, and 11 from the November 2020 Town Meeting. Its deliberations focused on revising some of those provisions to address potential objections so as to generate Warrant Articles that would be likely to receive widespread support at the May 2021 Annual Town Meeting.

The minutes, recordings, and other documents of the Moderator's Committee are available at: https://www.brooklinema.gov/1863/Moderators-Committee-on-Short-Term-Renta

The committee received much public input at its public hearing on Wednesday, January 13, 2021, and in emails from residents, STR operators, and condominium associations. Letters received by the committee can be viewed here: https://www.brooklinema.gov/DocumentCenter/View/23561/Public-Comment-letters-to-the-Short-Term-Rentals-Committee-Vol-1

The following is summary of the concerns raised by the public and committee members:

First, there was a category of comments that focused on the impact that STRs have on quality of life. These included issues related to noise, traffic, parking violations, and diminished sense of community. Some letters and emails questioned whether the Town had sufficient enforcement resources to respond to these problems.

Second, residents of condominium associations raised concerns about transient activity in their buildings, increased insurance, maintenance, and shared utility costs (e.g., from frequent washing of sheets and towels) that were borne in part by other owners. This group also urged the committee to propose regulations that would require STR operators to obtain the consent of their condominium associations before the Town issued a certificate of operation.

Third, there was feedback that the proposed regulations were too restrictive, violated the constitutional rights of condominium owners, restricted access by families looking to stay in STRs, and would prevent some residents from earning supplemental income that would help them afford to continue to live in Brookline. Some letters argued that STRs created few problems or disruptions in Brookline's neighborhoods and that any such concerns could be addressed by appropriate regulations.

The Moderator's Committee recognized that short-term rentals have possible advantages and disadvantages. These are generic pros and cons and not necessarily the consequences of the regulations being proposed for Brookline by this committee.

operator's primary residence. These provisions replicate what Boston has done to protect its long-term housing inventory from short-term rental conversion.[2]

Overall, the committee agreed that the operation of STRs should be safe, monitored, and limited in its negative externalities. The provisions of the three proposed Warrant Articles accomplish these goals by establishing regulations for appropriate certification and oversight of STRs. They also ensure that the operation of STRs will not greatly reduce the availability of long-term housing units—by prohibiting professionally managed STRs, prohibiting units restricted for below market-rate housing from operating as STRs, and allowing only owner-occupied units to operate as STRs.

The Recommendations of the Moderator's Committee

The Moderator's Committee is recommending three Warrant Articles for the May 2021 Annual Town Meeting. These Articles, designated as Articles A, B, and C in this explanation, roughly correspond to the Articles considered by the November 2020 Special Town Meeting: Article 9 (zoning); Article 10 (regulations); and Article 11 (enforcement). The provisions of each of the former Articles have, however, been revised extensively.

Summary of the Three Warrant Articles

Article A – Defines Short-Term Rentals ("not more than 27 consecutive calendar days") and other related terms, requires that a short-term rental unit must be the primary residence of the operator, specifies that STR operators must own the units they rent out, and adds Short-Term Rentals as an allowed use in all residential and business districts in the Table of Use Regulations of the Zoning By-law.

Article B – Creates detailed regulations allowing Short-Term Rentals under a specific set of circumstances and establishes policies and procedures that operators must follow. The following are some of the key provisions:

- Short-term rental operators would be required to apply for and receive a certificate of registration and to show proof that the unit is their primary residence.
- The Select Board would issue regulations for the implementation of the by-law and those regulations could include a cap on the number of certificates of registration issued.
- Inspections by the Health, Building, and Fire Departments would be required before a certification of registration is issued and could be conducted upon renewal or at other times.
- Units cannot be subject to any local, state, or Federal, income eligible or income restricted program that is designated as below market rate housing.
- All accommodations would have to comply with building, fire, and health codes.

[2] These regulations do not address lodging houses (including those that operate as bed and breakfasts and inns), that offer rooms and units on platforms such as Airbnb and HomeAway. Existing by-law provisions would apply to these establishments.

on # of STRs including by Zoning District			
Fine	$300		$300
Appeal Process	Defined by Select Board	Yes	A Default Process Has Been Added to the Regulations
Advertisers Must Provide Operator Information to the Town	Required	Yes	Provision Eliminated
Active STR Certificates Published on Town Website	YES		YES
STR Violations Published on Town Website	YES		YES
Abutters within 300' Notified within 15 Days of Issuance of Certificate	YES		YES
Certificate Revoked for 3 Violations in 12 Month Period. Select Board Public Hearing to Reinstate	YES		YES
Regulations enforced by Building Commissioner, Director of Health and Human Services, Fire Chief, Town Administrator and Police	YES		YES

Key Issues and How the Committee Addressed Them

The Moderator's Committee agreed on many aspects of the three Warrant Articles. It recognized, however, that on some questions there were important potential differences of opinion within the committee, within Town Meeting, and within Brookline more generally. The committee's deliberations focused on these issues:

Whether the STR Operator Must Be Present During a Rental

Article 10 from the November 2020 Town Meeting would have required the STR operator to be present during a rental. During the debate, Town Meeting members pointed out that Brookline residents often rent their residences while they are away for a week or two. The committee received similar comments from the public. Reflecting the fact that rentals by temporarily absent owners are common, the committee did not include this requirement in its proposed Warrant Articles.

Whether Renters (Tenants) Could Rent Out Their Units as Short-Term Rentals

The committee decide to retain the requirement that STR operators must be owners of the units they rent out as STRs. Although this may seem unfair to renters who are attempting to supplement their income, the committee felt that allowing renters to be STR operators would make it impossible to distinguish between a renter supplementing their income and a renter who has been installed by an investor to operate an STR. The committee believed that following Boston's approach in this regard would make the most sense.

The arguments against this provision include that the requirement places an unfair burden on the applicant; that the condominium association may delay or hold back consent even though STRs are not prohibited by condominium by-laws; and that the Town is interfering in the decision-making process of the condominium association by requiring association consent. One commenter submitted legal contentions from a law school faculty member and an attorney that the provision may be unconstitutional. (Town Counsel's office advised that the arguments are untested.).

Whether STR Platforms Such as Airbnb Should be Required to Share Information

Committee members regarded this provision as very difficult to implement, a duplication of information that could be obtained by the Department of Revenue, and a possible invasion of privacy. It was therefore deleted from the proposed Warrant Articles.

The Requirement for Inspections

To ensure safe operation of STRs, the proposed Articles require health, safety, and fire inspections. There has been some doubt about whether the Town will have sufficient staff to conduct these inspections in a timely manner. Members of the committee expressed concern that issuance of a certificate might be delayed while the operator waited weeks or months for the required inspections. The committee decided that inspections should be required before an STR unit obtains a certificate of operation. The word "shall" therefore appears in the Article B provisions regarding inspections prior to the issuance of a certificate. The committee decided that inspections need not be required in all cases of STR renewals. The word "may" therefore appears in the Article B provisions regarding inspections in connection with renewal of a certificate.

Whether to Allow Commercial Meetings and Uses in STR Units

The committee discussed whether to prohibit commercial meetings, commercial uses, or both in short-term rental units. There was concern that commercial activity could be disruptive in a residential area. The committee also recognized that social events might be hosted by businesses in short-term rentals (e.g., a cocktail party in a house rented by a law firm in connection with a major golf tournament). The committee decided that it would be difficult to prevent commercial meetings, such as a social event or a one-on-one discussion between an author and their agent, in short-term rentals. It concluded that commercial uses, such as using an STR unit as a "pop-up" business could be more disruptive to abutters. Article B thus bans commercial uses but does not ban meetings.

Whether to Allow Rentals for Fewer Than Twenty-Four Hours

Article B would prohibit STRs for periods of fewer than twenty-four hours. The committee did not want to encourage the use of STRs for business activities associated with the rental of rooms by the hour.

amendments that would change any requirement that an STR operator obtain the approval of the relevant condominium association.

These Articles allow and regulate a new use in Brookline. There is no guarantee that the past approach to determining which amendments will be allowed will be followed by a new Moderator. Attempts to amend the Warrant Articles will raise important questions about which amendments are within the scope of the article. The new Moderator elected to serve at the May 2021 Annual Town Meeting may or may not allow amendments and motions depending on the Moderator's judgment of what is within the scope of the Article.

If Town Meeting members feel that the Articles are too permissive, they could move amendments that would, for example, prohibit STRs in certain zoning districts, reduce the maximum days per year that a unit can be rented as an STR, or defer the January 1, 2022 effective date of the by-law amendments, as the Moderator may deem within the scope of the original Article.

If Town Meeting members feel that the Articles are unnecessarily restrictive, that these restrictions will result in the inability of homeowners to continue their practice of earning a sufficient income from their units, and that the negative externalities of STRs need not be severe, they could move amendments that would delete requirements that STR operators demonstrate that short-term rentals are not prohibited by the relevant condominium association by-laws. To reduce the risk that issuance of a certificate to operate an STR might be delayed because an inspection could not be carried out promptly, an amendment might relax the inspection requirements by substituting "may" for "shall" in the by-law provisions that call for inspections of STRs.

PKF@BU.EDU

Submitted by: Moderator's Committee for Short-Term Rentals. Paula Friedman, chair.

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

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ARTICLE 5.11
Short-Term Rentals

Section 5.11.1 PURPOSE

The Town of Brookline adopts this By-law for the regulation and restriction of Short-Term Rentals within the Town in order to protect the health and safety of renters and residents, and to provide a process through which certain properties that meet specific requirements and eligibility criteria may be registered with the Town of Brookline for use as Short-Term Rentals.

Section 5.11.2 DEFINITIONS

As used in this by-law, the following terms shall have the following meanings:

"Enforcement Authority": As designated by Article 10.2 of the General By-Laws.

"Short-Term Rental", or "STR": The rental of a whole or portion of a Dwelling Unit for not more than 27 consecutive calendar days, as otherwise defined by M.G.L. Chapter 64G, Sec. 1, which shall be the Primary Residence of the operator.

In accordance with M.G.L. Chapter 64G, the term excludes properties that are, or that are required by law to be, licensed as a lodging house because the lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required by law to be, licensed as a hotel, motel, or bed and breakfast establishment.

"Short-Term Rental Unit": A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

"Short-Term Rental Operator": Any person operating a Short-Term Rental. An Operator must be the owner of the Short-Term Rental Unit.

"Primary Residence": Any property at which a resident resides for at least 183 days of the calendar year.

Section 5.11.3 ELIGIBILITY/APPLICABILITY

1. Any Short-Term Rental Operator seeking to establish a Short-Term Rental Unit must apply for and receive a Certificate of Registration, following the procedure set forth in Section 5.11.4. The following eligibility requirements shall apply to applicants seeking a Certificate:

    a. The Short-Term Rental Unit cannot be subject to any local, state, or federal income-eligible or income-restricted program that is designated as below

market rate housing.

b. The Short-Term Rental Unit shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the residential unit as a Short-Term Rental.

c. The Short-Term Rental Unit shall not be in arrears regarding any municipal or state taxes, fines or fees. Short-Term Rentals, Short-Term Rental Operators, and Short-Term Rental Certificates of Registration are subject to Article 4.7 of the Town's General By-laws.

d. The accommodations offered must be compliant with all applicable state and local codes, including building codes, fire codes and health codes.

e. Occupancy is limited to a maximum of two (2) guests per bedroom. In a multi-unit building, occupancy is limited to a maximum of four (4) guests. In a single-unit building, occupancy is limited to a maximum of six (6) guests.

2. Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

Section 5.11.4 REGISTRATION PROCEDURE AND SUBMISSION REQUIREMENTS

1. In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which may include, but not be limited to:

   a. Any application fee, as may be determined by the Select Board.

   b. Proof of Primary Residence, either by: 1) providing proof of enrollment in the Brookline residential tax exemption program; or 2) an income tax return for the current year and a recent utility bill both showing the current address of the operator as the address of the Short-Term Rental Unit.

   c. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the condominium association that the condominium association consents to the use of the Operator's unit as a Short-Term Rental.

   d. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the applicant that the operation of the Short-Term Rental complies with all condominium documents, by-laws, or other governing documents.

e. Floor plan of the Short-Term Rental Unit indicating the specific rooms to be offered. The floor plan shall identify each room by a numerical or alphabetical identifier. The floor plan may be sketched by hand but should be legibly labelled with the numerical or alphabetical identifier and the use of that room (e.g., bedroom, living room, etc.). The floor plan should identify the rooms to be used as sleeping accommodations and the proposed maximum occupancy for each. An operator may be asked to resubmit a floor plan with amendments in the event it is unacceptable to the Town's inspectional departments for health and/or safety or code compliance reasons.

f. Local Contact Information. When registering, a Short-Term Rental Operator must provide their name, address, home telephone number, cell phone number, and email address, as well as such contact information for a secondary contact. Such contact information should identify at least one individual with corresponding contact information (including an active telephone number at which the person will be reachable 24 hours a day) who can respond in person within two hours of contact by a Town official to any issue or emergency that arises during a Short-Term Rental.

g. Such other information and documentation as the Select Board's Office may determine.

h. Within 14 days of the issuance of a Certificate of Registration, the Select Board Office shall mail notice of the Certificate of Registration to abutters (property owners, residents and tenants) within 300 feet of the Short-Term Rental Unit.

2. The initial issuance and renewal of a Certificate of Registration shall be subject to the applicant's compliance with applicable federal, state and local law, including this By-Law.

3. The Certificate of Registration shall be valid for a period of one (1) to five (5) years, as the Select Board's Office may determine. The Certificate of Registration shall include a registration number, and shall identify the type of Short-Term Rental, the specific rooms that may be used as sleeping accommodations, and the maximum occupancy for each such room and for the unit as a whole.

4. An operator may seek modification of a Certificate of Registration, including with regard to rooms to be used as sleeping accommodation and maximum occupancies, by submitting such documentation as may be required by the Select Board's Office in connection with such request. Modification of a Certificate of Registration is subject to approval by the Town's Health, Building and Fire Departments, who may conduct a pre-approval health and safety inspection as necessary. No modification of a Certificate may effect a change to the type of Short-Term Rental for which the Certificate was issued.

5. Certificates of Registration are non-transferable. A Certificate of Registration

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shall be null and void upon a change in property owner or upon any change in the Primary Residence of the Short-Term Rental Operator that makes the unit ineligible for operation as a Short-Term Rental under this By-law.

6. An Enforcement Authority may revoke, suspend or modify a Certificate of Registration for good cause. The Short-Term Rental Operator shall have the right to a hearing, or opportunity therefor, in connection with such action.

7. Should the Short-Term Rental Operator be issued three (3) or more violation notices within any twelve (12) month period under this article, or of any municipal ordinance, state law, or building code, the Certificate of Registration will be revoked. In such case, a new Certificate of Registration may only be re-issued after a public hearing before the Select Board, which may, impose additional conditions. In the event an Enforcement Authority suspends or revokes an operator's right to operate an STR, the Town shall notify the Massachusetts Commissioner of Revenue of the suspension or termination.

Section 5.11.5 INSPECTIONS

Prior to approving an initial Certificate of Registration, the Health, Building and Fire Departments shall conduct a health and safety inspection. Such inspections may be conducted upon renewal or in connection with an annual or other inspectional schedule to be determined by the Town. Such inspections may be used to verify that each Short-Term Rental Unit:

1. Meets all building, health and fire code and regulatory requirements.

2. Meets all requirements of this By-Law and of any regulations promulgated pursuant to this By-law.

Inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints and/or concerns regarding non-compliance or health and safety issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re-inspection fees.

Section 5.11.6 OPERATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL UNITS

1. No person shall operate a Short-Term Rental without a current Certificate of Registration pertaining to the Short-Term Rental Unit.

2. Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes.

3. Except as may be otherwise specified by Select Board regulation promulgated pursuant to this By-Law, a Short-Term Rental Operator may offer their Short-Term Rental Unit for up to 90 days per year.

4. A Short-Term Rental must be operated consistent with the terms set forth on the Certificate of Registration and with applicable law, including, but not limited to, with regard to rooms to be used as sleeping accommodations, the maximum occupancy of each room, the maximum occupancy of the unit as a whole, and any other stated conditions.

5. The following must be included within each Short-Term Rental Unit:

    a. Diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits and fire alarms inside the Short-Term Rental Unit as well as in the building, as well as an evacuation route(s) highlighted in red. The diagram shall be posted (i) in each bedroom used as a Short-Term Rental, (ii) on all egresses from the Short-Term Rental Unit, and (iii) in common areas accessible to the Short-Term Rental Unit;

    b. A conspicuously placed binder with, at a minimum, the following information:

        i. Local contact information including the name, address, home and cell phone numbers and email address for the Short-Term Rental Operator as well as one additional contact person who shall be reachable 24 hours a day in the absence of the Operator,
        ii. Instructions for disposal of trash and recycling pursuant to any applicable requirements established by the Town of Brookline and/or by the property owner or condominium association,
        iii. Information about Brookline parking regulations, including overnight parking restrictions and designated parking areas for guests, and
        iv. Copy of Certificate of Registration from the Select Board's Office;

    c. Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;

    d. A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72; and

    e. Any other documentation required by the Select Board's Office to be distributed inside Units.

6. Public advertisements (online or in print) for a Short-Term Rental shall include in the advertisement the Town-issued registration number associated with the Short-Term Rental's Certificate of Registration. A Short-Term Rental Operator shall

'21 MAR 1 PM1:39

only use the name stated on the application for an initial or renewed Certificate of Registration in on-line or other listings of the Short-Term Rental Unit.

7. A Short-Term Rental Operator must keep accurate records of their business including date(s) of rental, rental rates, names of customers and customers' contact information for a period of three (3) years, and make them available to the Town upon request consistent with applicable federal, state and local law.

8. A Short-Term Rental Operator shall notify the Select Board's Office of any change in the Operator's Primary Residence within two (2) weeks of any change.

9. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.

10. Commercial uses are prohibited in Short-Term Rental Units.

11. Short-Term Rental Operators shall cooperate and comply with lawful requests for information made by the Select Board's Office and its agents, including from the Planning, Building, Health, Police, Fire and Public Works Departments. Such requests may include requests for by-laws and other condominium documents in order to verify certification(s) submitted to the Town in connection with a Short-Term Rental Certificate of Registration.

Section 5.11.7 REGULATIONS

The Select Board may issue regulations for the implementation of this By-law, including for the establishment of any appeal process, and for the establishment of a cap on the number of Certificates of Registration issued.

Section 5.11.8 APPEALS

Unless provided otherwise by Select Board regulations, any person aggrieved by the action or failure to act of a certifying agent shall have the right of appeal to the Select Board. Such appeal must be made in writing and filed with the office of the Select Board within fourteen days from the date action was taken. If the party aggrieved appeals from a failure of a certifying agent to act within forty-five days from the filing of an application, such appeal shall be made in writing and filed with the office of the Select Board within sixty days from the date of application.

Section 5.11.9 FINES

Any person violating this By-law shall be fined in the amount of $300 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 5.11.10 REPORTING

1. A list of Short-Term Rental Units with active Certificates of Registration will be published on the Town website and updated at least monthly. Information must include address, Short-Term Rental type, Certificate of Registration effective and

expiration dates, approved number of rooms and guests and any other restrictions.

2. A list of Short-Term Rental Unit violations will be published on the Town website and updated at least monthly. Information must include Certificate of Registration number, address, date of violation, type of violation, and dollar amount of fine.

Section 5.11.11 EFFECTIVE DATE

These amendments to the General By-law shall take effect on January 1, 2022.

Section 5.11.12 SEVERABILITY

If any provision(s) of this Article 5.11 of the General By-law is held to be invalid, such provision(s) shall be severed and the remaining sections shall be valid.

Or act on anything relative thereto.

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Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	SIGNATURE	PRINT NAME	ADDRESS
1.	Paul J. Warren	Paul J. Warren	71 Carlton St.
2.	[illegible]	Amy R. Evinom	71 Carlton Street
3.	[illegible]	DANIEL JURSKY	68 AMORY ST
4.	[illegible]	KATHARINE [illegible]	68 Amory St
5.	Susan E. DeLong	Susan E. DeLong	3 Worthington Rd
6.	[illegible]	Robert G. DeLong	3 Worthington Rd
7.	[illegible]	Patrick Maguire	18 Monmouth Court
8.	[illegible]	ANA ALBUQUERQUE	24 EUSTON ST. APT #2
9.	[illegible]	RUI ALBUQUERQUE	24 EUSTON ST #2
10.	[illegible]	SUMMER LATIF	24 EUSTON ST. #1
11.	[illegible]	Raymond Latif	24 Euston St #1
12.	[illegible]	[illegible] GORDON	87 Ivy St
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Moderator's Committee on Short-Term Rentals: Article B (General By-Law)

10.A

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

SIGNATURE	PRINT NAME	ADDRESS
1.	Sean M. Lynn-Jones	53 Monmouth St
2.	Cathleen Carell	27 Monmouth St
3.	Robert Schram	47 Monmouth St
4.	Nicole Schram	47 Monmouth St
5.	Richard Garver	23 Monmouth Court
6.	Penny Garver	23 Monmouth Court
7.	Karen Lynn-Jones	53 Monmouth St
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Amendment to WA 15 Section 5.1.1.4 Registration Procedure and Submission Requirements

1) In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which may include, but not be limited to:

c. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the condominium association, **that states that the Master Deed of the condominium association contains express permission allowing for Short-term rentals, as defined by the Zoning By-Law, and** consents to the use of the Operator's unit as a short-term rental.

d. Where a Short-Term Rental Unit is part of a condominium association, certification signed by the applicant that the operation of the Short-Term Rental complies with all condominium documents, by-laws. or other governing documents, **including certifying that Short-term rentals, as defined by the Zoning By-Law are expressly permitted in the Master Deed of the condominium association.**

Explanation

Within a condominium association, ownership rights and what uses and activities are allowed or prohibited within units are spelled out in the Master Deed[1]. If the association seeks to change what uses, activities, etc. are allowed or not allowed within a unit, the association must amend their Master Deed. For instance, in my condominium we amended the Master Deed to limit the total number of rentals allowed because this would curtail the rights of most owners to lease out their unit. We also amended again to prohibit smoking anywhere on the property. Because we wished to restrict smoking, even within an owner's unit, we were required to amend the Master Deed.

Almost all Condominiums in Brookline were created well before the existence of digital application based short-term rentals and therefore many sets of condominium documents will be silent on the subject of STR's. STR's were simply not contemplated when the documents were created. Many see the proposal by the Town to change the zoning to allow STR's as "superseding the condominiums' right to self-determination", by concluding that: "if the condo documents do not prohibit STR's, then unit owners are allowed to become STR operators". If the condominium association does not like this imposed change, they must endeavor to amend their Master Deed to prohibit STR's, after the fact. Amending the Master Deed, would require a 75% beneficial interest assent to the amendment to prohibit STR's. This is a difficult situation, because the right to be an STR operator will have been already granted *by the Town*. Some owners may be unwilling to give up this right, in hopes of future revenues, regardless of the majority

[1] M.G.L. Chapter 183A, Section 8, (Master Deeds) paragraph g) A Statement of the purposes for which the building and each of the units is intended and the restrictions, if any, as to their use.

opinion of the owners. Imagine a situation where a strong majority wishes to prohibit STR's, but there are just enough holdouts (26%) to prohibit the amendment from going forward. All owners in that condominium will be granted the right to operate STR's regardless of the wishes of the majority! This is gross interference by the Town in the social contract and delicate balance between rights and prohibitions that make a condominium livable. Because ownership and owner rights are embedded in the Master Deed the presumption that STR's are allowed if they are not prohibited in the condo docs is not in compliance with how condominium governance is structured. Instead it is my contention that any zoning change the Town enacts to allow STR's, is only the first step within a condominium. The next step would be to have each condominium decide for themselves whether or not they wish to allow STR's, through the necessary mechanism of amending their Master Deed to expressly allow STR's if they so choose.

Submitted by: Moderator's Committee on Short-Term Rentals. Paula Friedman, chair.
PKF@BU.EDU

To see if the Town will amend Article 10.2 (Prosecutions and Enforcement) of the General By-Laws as follows (additions are in **bold underlining**):

'21 MAR 1 PM 1:42

ARTICLE 10.2
PROSECUTIONS AND ENFORCEMENT

The provisions in Parts V, VI, VII and VIII of the by-laws of the Town of Brookline shall be enforced and violations prosecuted by any police officer of the town. In addition, enforcement and prosecution of the following bylaws and articles shall be by the following department head or their designees:

DEPARTMENT HEAD		**ARTICLE**
BUILDING COMMISSIONER		
Part V – Private Property	Articles	5.2, 5.3, 5.4 5.6, 5.7, 5.8, **5.11 (5. 11 ("Short-Term Rentals") to be effective January 1, 2022)**
....		
DIRECTOR OF HEALTH & HUMAN SERVICES		
Part V – Private Property	Articles	5.1, 5.2, 5.4, 5.5, 5.7, **5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**
FIRE CHIEF		
)Part V – Private Property	**Articles**	**5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**
....		
TOWN ADMINISTRATOR		
Part V – Private Property	**Articles**	**5.11 (5.11 ("Short-Term Rentals") to be effective 1/1/22)**

Or act on anything relative thereto.

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

	SIGNATURE	PRINT NAME	ADDRESS
1.	Paul J. Warren	Paul Warren	71 Carlton St.
2.	[illegible]	Amy R. Evanson	71 Carlton Street
3.	[illegible]	DANIEL JURAYJ	68 AMORY ST
4.	[illegible]	KATHARINE SILBAUGH	68 Amory St
5.	Susan E. DeLong	Susan E. DeLong	3 Worthington Rd
6.	Robert G. DeLong	Robert G. DeLong	3 Worthington Rd.
7.	[illegible]	Patrick Maguire	18 Monmouth Court
8.	[illegible]	ANA ALBUQUERQUE	24 EUSTON ST APT #2
9.	[illegible]	RUI ALBUQUERQUE	24 EUSTON ST #2
10.	[illegible]	Summer Latif	24 Euston St. #1
11.	[illegible]	24 Euston St. ↔	Raymond Latif
12.	[illegible]	NEIL GORDON	87 Ivy St
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Moderator's Committee on Short-Term Rentals: Article C (Enforcement)

Warrant Article signature page

SIGNATURES (Ten registered voters required)

The following registered Brookline voters support the attached submitted article.

SIGNATURE	PRINT NAME	ADDRESS
1.	Sean M. Lyon-Jones	53 Monmouth St
2.	Catherine Carell	27 Monmouth Ct
3.	Robert Schram	47 Monmouth St
4.	Nicole Schram	47 Monmouth St
5.	Richard Garner	23 Monmouth Ct
6.	Penny Garner	23 Monmouth Ct
7.	Karen Lyon-Jones	53 Monmouth St
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TOWN CLERK

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Submitted by: Susan Roberts and Maureen Coffey, Petitioners

2021 MAR -3 A 11:44

To see if the Town will amend the General By-laws by adding the following article:
ARTICLE 5.11
Short-Term Rentals

[PETITIONERS' NOTE: PETITIONERS' ARTICLE BELOW IS REDLINED TO COMPARE THIS ALTERANTIVE ARTICLE TO THAT SUBMITTED BY THE MODERATOR'S COMMITTEE ON SHORT-TERM RENTALS, BASED ON THE COMMITTEE'S VOTE OF 2/24/21.]

Section 5.11.1 PURPOSE

The Town of Brookline adopts this By-law for the regulation and restriction of Short- Term Rentals within the Town in order to protect the health and safety of renters and residents, and to provide a process through which certain properties that meet specific requirements and eligibility criteria may be registered with the Town of Brookline for use as Short-Term Rentals.

Section 5.11.2 DEFINITIONS

As used in this by-law, the following terms shall have the following meanings:

"Enforcement Authority": As designated by Article 10.2 of the General By-Laws.

"Short-Term Rental", or "STR": The rental of a whole or portion of a Dwelling Unit for not more than 27 consecutive calendar days, as otherwise defined by M.G.L. Chapter 64G, Sec. 1, which shall be the Primary Residence of the operator.

In accordance with M.G.L. Chapter 64G, the term excludes properties that are, or that are required by law to be, licensed as a lodging house because the lodgings are rented to four or more persons not within the second degree of kindred to the owner or operator. The term also excludes properties that are, or that are required by law to be, licensed as a hotel, motel, or bed and breakfast establishment.

"Short-Term Rental Unit": A whole or portion of a whole Dwelling Unit that is being offered as a Short-Term Rental.

"Short-Term Rental Operator": Any person operating a Short-Term Rental. An Operator must be the owner of the Short-Term Rental Unit.

"Primary Residence": Any property at which a resident resides for at least 183 days of the calendar year.

Section 5.11.3 ELIGIBILITY/APPLICABILITY

1. Any Short-Term Rental Operator seeking to establish a Short-Term Rental Unit must apply for and receive a Certificate of Registration, following the procedure set forth in Section 5.11.4. The following eligibility requirements shall apply to applicants seeking a Certificate:

a. The Short-Term Rental Unit cannot be subject to any local, state, or federal income-eligible or income-restricted program that is designated as below market rate housing.

b. The Short-Term Rental Unit shall not be subject to any outstanding building, sanitary, zoning, or fire code violations, orders of abatement, stop work orders, or other requirements, laws or regulations that prohibit the Operator from offering the residential unit as a Short-Term Rental.

c. The Short-Term Rental Unit shall not be in arrears regarding any municipal or state taxes, fines or fees. Short-Term Rentals, Short-Term Rental Operators, and Short-Term Rental Certificates of Registration are subject to Article 4.7 of the Town's General By-laws.

d. The accommodations offered must be compliant with all applicable state and local codes, including building codes, fire codes and health codes.

e. Occupancy is limited to a maximum of two (2) guests per bedroom. ~~In a multi-unit building, occupancy is limited to a maximum of four (4) guests. In a single-unit building, occupancy is limited to a maximum of six (6) guests.~~

2. Nothing in this By-law shall be construed to make the Town responsible for compliance with or enforcement of a lease, condominium by-laws or other governing documents, or any contract or agreement to which the Town is not a party.

Section 5.11.4 REGISTRATION PROCEDURE AND SUBMISSION REQUIREMENTS

1. In connection with an application for a Certificate of Registration, the operator shall provide to the Select Board's Office all documentation that the Office shall require, which may include, but not be limited to:

a. Any application fee, as may be determined by the Select Board.

b. Proof of Primary Residence, either by: 1) providing proof of enrollment in the Brookline residential tax exemption program; or 2) an income tax return for the current year and a recent utility bill both showing the current address of the operator as the address of the Short-Term Rental Unit.

~~a.~~ c. Where a Short-Term Rental Unit is part of a condominium association, ~~certification signed by the condominium association that the condominium association consents to the use of the Operator's unit as a Short-Term Rental.~~

~~Where a Short-Term Rental Unit is part of a condominium association, certification~~a statement signed by the applicant that the operation of the Short-Term Rental ~~complies with all~~is not prohibited by condominium documents, by-laws, or other governing documents.

d. Floor plan of the Short-Term Rental Unit indicating the specific rooms to be offered. The floor plan shall identify each room by a numerical or alphabetical identifier. The floor plan may be sketched by hand but should be legibly labelled with the numerical or alphabetical identifier and the use of that room (e.g., bedroom, living room, etc.). The floor plan should identify the rooms to be used as sleeping accommodations and the proposed maximum occupancy for each. An operator may be asked to resubmit a floor plan with amendments in the event it is unacceptable to the Town's inspectional departments for health and/or safety or code compliance reasons.

e. Local Contact Information. When registering, a Short-Term Rental Operator must provide their name, address, home telephone number, cell phone number, and email address, as well as such contact information for a secondary contact. Such contact information should identify at least one individual with corresponding contact information (including an active telephone number at which the person will be reachable 24 hours a day) who can respond in person within two hours of contact by a Town official to any issue or emergency that arises during a Short-Term Rental.

f. Such other information and documentation as the Select Board's Office may determine.

~~b.~~a. ~~Within 14 days of the issuance of a Certificate of Registration, the Select Board Office shall mail notice of the Certificate of Registration to abutters (property owners, residents and tenants) within 300 feet of the Short-Term Rental Unit.~~

2. The initial issuance and renewal of a Certificate of Registration shall be subject to the applicant's compliance with applicable federal, state and local law, including this By-Law.

3. The Certificate of Registration shall be valid for a period of one (1) to five (5) years, as the Select Board's Office may determine. The Certificate of Registration shall include a registration number, and shall identify the type of Short-Term Rental, the specific rooms that may be used as sleeping accommodations, and the maximum occupancy for each such room and for the unit as a whole.

4. An operator may seek modification of a Certificate of Registration, including with regard to rooms to be used as sleeping accommodation and maximum occupancies, by submitting such documentation as may be required by the Select Board's Office in connection with such request. Modification of a Certificate of Registration is subject to approval by the Town's Health, Building and Fire Departments, who may conduct a pre-approval health and safety inspection as necessary. No modification of a Certificate may effect a change to the type of Short-Term Rental for which the Certificate was issued.

5. Certificates of Registration are non-transferable. A Certificate of Registration shall be null and void upon a change in property owner or upon any change in the Primary Residence of the Short-Term Rental Operator that makes the unit ineligible for operation as a Short-Term Rental under this By-law.

6. An Enforcement Authority may revoke, suspend or modify a Certificate of Registration for ~~good cause. The~~ violation of this By-law. Prior to such revocation, suspension or modification, the Short-Term Rental Operator shall be provided with written notice and shall have the right to a hearing, or opportunity therefor, in connection with such action.

7. Should the Short-Term Rental Operator ~~be issued~~, be found by the Enforcement Authority to be in violation of this Bylaw three (3) or more ~~violation notices~~times within any twelve (12) month period ~~under this article, or of any municipal ordinance, state law, or building code~~, the Certificate of Registration ~~will~~may be suspended or revoked~~.~~ following written notice to the STR Operator and the opportunity for a hearing as provided in Section 5.11.4(6) above. In such case, a new Certificate of Registration may only be re- issued after a public hearing before the Select Board, which may~~,~~ impose additional conditions. In the event an Enforcement Authority suspends or revokes an operator's right to operate an STR, the Town shall notify the Massachusetts Commissioner of Revenue of the suspension or termination.

Section 5.11.5 INSPECTIONS

Prior to approving an initial Certificate of Registration, the Health, Building and Fire Departments ~~shall~~may conduct a health and safety inspection. Such inspections may be conducted upon renewal or in connection with an annual or other inspectional schedule to be determined by the Town. Such inspections may be used to verify that each Short- Term Rental Unit:

1. Meets all building, health and fire code and regulatory requirements.

2. Meets all requirements of this By-Law and of any regulations promulgated pursuant to this By-law.

Inspections shall be made on week-days during normal Town business hours. In addition, inspections may be made at other times (including but not limited to evenings and weekends) to investigate complaints and/or concerns regarding non-compliance or health and safety issues. Inspections shall be conducted in conformity with applicable federal, state and local law. Facilities requiring re-inspection are subject to applicable re- inspection fees.

Section 5.11.6 OPERATIONAL REQUIREMENTS FOR SHORT-TERM RENTAL UNITS

1. No person shall operate a Short-Term Rental without a current Certificate of Registration pertaining to the Short-Term Rental Unit.

2. Short-Term Rentals shall comply with all applicable federal, state, and local laws, regulations and codes.

~~Except as may be otherwise specified by Select Board regulation promulgated pursuant to this By-Law, a~~3. A Short-Term Rental Operator may offer their Short-Term Rental Unit for up to ~~90~~365 days per year.

4. A Short-Term Rental must be operated consistent with the terms set forth on the Certificate of Registration and with applicable law, including, but not limited to, with regard to rooms to be used as sleeping accommodations, the maximum occupancy of each room, the maximum occupancy of the unit as a whole, and any other stated conditions.

5. The following must be included within each Short-Term Rental Unit:

a. Diagram indicating the location of all fire extinguishers, gas shut-off valves, fire exits and fire alarms inside the Short-Term Rental Unit, as well as in the building, as well as an evacuation route(s) highlighted in red. The diagram shall be posted (i) in each bedroom used as a Short-Term Rental, (ii) on all egresses from the Short-Term Rental Unit, and (iii) in common areas accessible to the Short-Term Rental Unit;

b. A conspicuously placed binder with, at a minimum, the following information:

i. Local contact information including the name, address, home and cell phone numbers and email address for the Short-Term Rental Operator as well as one additional contact person who shall be reachable 24 hours a day in the absence of the Operator,

ii. Instructions for disposal of trash and recycling pursuant to any applicable requirements established by the Town of Brookline and/or by the property owner or condominium association,

iii. Information about Brookline parking regulations, including overnight parking restrictions and designated parking areas for guests, and

iv. Copy of Certificate of Registration from the Select Board's Office.

c. Fire extinguisher(s) which shall be of type ABC 10lb., dry chemical commercial with a tag to be tested and serviced annually by certified service company. Within a single-family unit, or multiple-unit building where units do not share a common access corridor, there shall be at least one acceptable type fire extinguisher available to the occupant within the unit. Where multiple units share a common access corridor on the same floor, one extinguisher may service up to four units, and be located within the access corridor on the same floor in a location to be determined by the Fire Department;

d. A hard-wired smoke/fire alarm system installed in accordance with M.G.L. Chapter 148 and NFPA 72; and

e. Any other documentation required by the Select Board's Office to be distributed inside Units.

6. Public advertisements (online or in print) for a Short-Term Rental shall include in the advertisement the Town-issued registration number associated with the Short- Term Rental's Certificate of Registration. A Short-Term Rental Operator shall only use the name stated on the application for an initial or renewed Certificate of Registration in on line or other listings of the Short-Term Rental Unit.

7. A Short-Term Rental Operator must keep accurate records of their business including date(s) of rental, rental rates, names of customers and customers' contact information for a period of three (3) years, and make them available to the Town upon request consistent with applicable federal, state and local law.

8. A Short-Term Rental Operator shall notify the Select Board's Office of any change in the Operator's Primary Residence within two (2) weeks of any change.

9. Renting for durations of less than twenty-four (24) consecutive hours shall not be permitted.

10. Commercial uses are prohibited in Short-Term Rental Units.

11. Short-Term Rental Operators shall cooperate and comply with lawful requests for information made by the Select Board's Office and its agents, including from the Planning, Building, Health, Police, Fire and Public Works Departments. Such requests may include requests for by-laws and other condominium documents in order to verify certification(s) submitted to the Town in connection with a Short- Term Rental Certificate of Registration.

Section 5.11.7 REGULATIONS

The Select Board may issue regulations for the implementation of this By-law, including for the establishment of any appeal process, and for the establishment of a cap on the number of Certificates of Registration issued.

Section 5.11.8 APPEALS

Unless provided otherwise by Select Board regulations, any person aggrieved by the action or failure to act of a certifying agent shall have the right of appeal to the Select Board. Such appeal must be made in writing and filed with the office of the Select Board within fourteen days from the date action was taken. If the party aggrieved appeals from a failure of a certifying agent to act within forty-five days from the filing of an application, such appeal shall be made in writing and filed with the office of the Select Board within sixty days from the date of application.

Section 5.11.9 FINES

~~Any person violating~~ Without in any way limiting an STR Operator's rights as stated in Sections 5.11.4(6) and/or (7), for each violation of **this By-law** determined pursuant to said sections, a STR Operator **shall be fined in the amount of $300** ~~for each violation. Each~~. Subject to Sections 5.11.4(6) and/or (7), each **day** ~~of a continuing~~that a STR Unit is rented without such **violation** having been addressed as may be required, provided that said violation is not of a de minimis nature as determined by the Enforcement Authority, such rental day **shall count as a separate violation.**

Section 5.11.10 REPORTING

1. A list of Short-Term Rental Units with active Certificates of Registration will be published on the Town website and updated at least monthly. Information must include address, Short-Term Rental type, Certificate of Registration effective and expiration dates, and approved number of rooms with sleeping accommodations and guests and any other restrictions.

2. A list of Short-Term Rental Unit violations, as such violations have been determined in accordance with Sections 5.11.4(6) and/or (7), will be published on the Town website and updated at least monthly. Information must include Certificate of Registration number, address, date of violation, type of violation, and dollar amount of fine~~.~~, as provided in Sections 5.11.4(6) and/or(7).

Section 5.11.11 EFFECTIVE DATE

These amendments to the General By-law shall take effect on January 1, 2022.

Section 5.11.12 SEVERABILITY

If any provision(s) of this Article 5.11 of the General By-law is held to be invalid, such provision(s) shall be severed and the remaining sections shall be valid.

Or act on anything relative thereto.

Signatures of Town of Brookline Registered Voters:

1. Name: Susan M. Roberts Address: 69 Green St, Brookline
2. Name: Lucy P de Martin Address: 67 Green ST, Brookline
3. Name: Donelle S. O'Neal Sr. Address: 68 Village Way Brookline MA

4. [signature] Address: 7 VERNDALE ST #3
Name: LEE Bly

√5. [signature] Address: 7 VERNDALE ST. #3
Name: LEE Bienbaum

√6. [signature] Address: 7 Verndale St, #3
Name: Dina Aronzon

√7. [signature] Address: 5 VERNDALE #4
Name: MATTIE KLOCK

√8. [signature] Address: 5 VERNDALE #4
Name: MARK ROMANOWSKY

√9. [signature] Address: 34 Kenwood st ~~#34~~
Name: Alissa Reyzin

√10. [signature] Address: 43 Brington Road Precinct 6
Name: CHRISTOPHER DEMPSEY

√11. [signature] Address: 1120 Davis Ave. Precinct 6
Name: Martha E. Huntley

√12. [signature] Address: 110 Davis Ave, Precinct 6
Name: STEVEN WEBLER

√13. CAROLYN THALL Address: 66 Beverly Rd. Pct. 16
Name:

√14. Adam Finnan Address: 66 Beverly Rd Pct 16
Name:

√15. [signature] Address: 383 Russett Rd Pct. 16
Name: Scott Gladstone

16. Marc Roudebush Address: 57 Hedge Rd P: 5
Name: MRoudebush

17. Manon Hatvany Address: 57 Hedge Rd P: 5
Name: MHatvany

18. Bonnie Bastien Address: 32 Oakland Rd.
Name: BBastien

19. [illegible] Address: 32 Oakland Rd.
Name: Burton Le Geyt

20. Susan Kommit Address: 35 Park St. #5
Name: SUSAN KOMMIT

21. [illegible] Address: 21 Hawthorn Rd. #5
Name: Eric Schwarz (Frederick Schwarz)

22. [illegible] Address: 21 Hawthorn Rd. #5
Name: Maureen Coffey

23. [illegible] Address: 21 Hawthorn rd #5
Name: Ronan Schwarz

24. _____ Address: _____
Name:

25. _____ Address: _____
Name:

26. _____ Address: _____
Name:

We certify that the above (22) number of signatures are those of voters registered in the Town of Brookline.

Explanation of Warrant Article on Short-Term Rentals
Petitioners Susan Roberts (TMM Pct. 2) and Maureen Coffey (Pct. 5)

Need for a Balanced Approach: That the operation of Short-Term Rentals (STRs) in Brookline has generated heated debate on several issues is understandable given that (i) an overreaching set of regulations would unnecessarily restrict Brookline residents from being able to derive valued and needed income, in some cases income that allows them to make ends meet, and (ii) inadequately protective regulations may result in neighbors' being subjected to potential nuisance incidents from undue noise, unkept trash, illegally parked cars, and the like. Given these important financial and quality of life implications, a balance in the regulations needs to be carefully found which this Warrant Article reflects.

Understanding the Landscape and Broadening the Debate: Petitioners' purpose in bringing this alternative Warrant Article is to ensure that Town Meeting may have a broad and informed debate of controversial issues in order to strike the regulations' proper balance. Unfortunately, because of limitations already included in the Moderator's Committee Warrant Article, such a broad debate likely cannot occur given Town Meeting's rules that generally prohibit consideration of amendments allowing for more permissive (albeit adequately protective) provisions.

A broader debate also relies on informed decisionmakers having an understanding of the nature and extent of STRs already operating in Brookline. To date, there has been little to no reliable investigation of such STRs, nor of any complaints regarding them. To the extent feasible, Petitioners plan to review available and pertinent information concerning current STRs in Town and present relevant findings to Town Meeting to encourage constructive discussion.

In a Nutshell, the Issues for Discussion:

Three (3) core issues expose the differences between the Warrant Articles and raise these questions:

1. Should there be a maximum number of people allowed in a STR unit? If so, on what criteria should that maximum be based to insure the limit is reasonable given the real potential harm?

2. Should there be a limit on the number of days a STR host may offer or rent their STR unit? If so, what is the justification for such a limit given actual potential harm?

3. For a STR within a condominium, where the condominium's governing documents contain no such requirement, should the STR host be required to obtain the condominium association's written consent? If so, what is the Town's public purpose in effecting changes to unit owners' real property interests, and how can the Town ensure that the rights of a STR host are not chilled?

Three (3) other important issues (with less controversy) raise the following questions:

a. Should we require STR hosts to notify abutters within 300 feet of their unit when doing so (i) may be unduly burdensome, especially in the case multi-family buildings, (ii) is not required by the Town in other types of similar applications for a certificates of registration, and (iii) likely will serve only to create and fan flames of unnecessary and unwanted conflict among neighbors?

b. To avoid unduly burdening Town departments or delaying issuance of certificates of registration, should Town departments have discretion to make inspections of STR units as necessary or appropriate, where such inspections are not required of residential rentals of 28 days or longer?

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c. Should we include basic principles of due process in the issuance of violations and fines so that STR hosts are given written notice of any problems or complaints with rights to cure and address problems?

Petitioners' Warrant Article answers these questions with regulations that balance the rights of the Town, STR hosts, neighbors, taxpayers and other residents of Brookline.

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ARTICLE ___

Petitioner: Planning Department

To see if the Town will amend Article 8.37 of the Town's General By-Laws, "Marijuana Establishments", as follows (additions are in bold, underlined text, and deletions are in bold, stricken text):

ARTICLE 8.37 MARIJUANA ESTABLISHMENTS

Section 8.37.1 PURPOSE

The intent of this section is to permit Marijuana Establishments to operate pursuant to local requirements to ensure safe and appropriate implementation of Chapter 334 of the Acts of 2016 (Question #4 on the November 8, 2016 ballot), legalizing recreational Marijuana, within the community.

If any provisions of this section shall be held to be invalid, those provisions shall be severable and the remaining sections shall be valid.

Section 8.37.2 DEFINITIONS

See also Massachusetts General Laws Chapter 94G, Section 1, Chapter 94I, Section 1, and the regulations promulgated thereunder, as they may be amended. In the event of a conflict between the following definitions and those contained in the foregoing State laws and regulations, the definitions contained in the foregoing State laws and regulations shall govern.

a. Cannabis Control Commission — the Massachusetts Cannabis Control Commission.

b. **Craft Marijuana Cooperative —a Marijuana Cultivator comprised of residents of the Commonwealth and organized as a limited liability company, limited liability partnership, or cooperative corporation under the laws of the Commonwealth. A cooperative is licensed to cultivate, obtain, Manufacture, Process, package, brand and Transfer Marijuana or Marijuana Products to Marijuana Establishments, but not to Consumers.**

c. **Finished Marijuana Products –usable Marijuana, Cannabis resin or Cannabis concentrate that is completely manufactured and ready for retail sale and shall include Finished Marijuana that has been separated into individual packages or containers for sale.**

d. Hemp — the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not

exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana Product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

e. Manufacture — to compound, blend, extract, infuse or otherwise make or prepare a Marijuana Product.

f. Marijuana — all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "Marijuana" shall not include (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) Hemp; or (3) the weight of any other ingredient combined with Marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes Marijuana Products except where the context clearly indicates otherwise.

g. **Marijuana Accessories –equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing Marijuana into the human body.**

h. **Marijuana Courier - an entity licensed by the Massachusetts Cannabis Control Commission to deliver Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods directly to consumers from a Marijuana Retailer, or directly to registered qualifying patients or caregivers from an Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, Marijuana Warehouse, process, repackage, or White Label.**

i. Marijuana Cultivator — an entity licensed by the Cannabis Control Commission to cultivate, process, and package Marijuana, to deliver Marijuana to Marijuana Establishments and to transfer Marijuana to other Marijuana Establishments, but not to consumers.

j. **Marijuana** Delivery ~~**Only Marijuana Retailer**~~Operator — **an entity licensed by the Massachusetts Cannabis Control Commission to purchase at**

wholesale and Marijuana Warehouse Finished Marijuana Products and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods directly to consumers, but is not authorized to repackage Marijuana or Marijuana Products or operate a storefront under this license. For Marijuana Delivery Operators, the location of the Marijuana Warehouse shall be the Licensee's principle place of business within the Town. ~~**a Marijuana Retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a Marijuana Cultivator facility, Craft Marijuana Cultivator Cooperative facility, Marijuana Product Manufacturer facility, or Marijuana Microbusiness.**~~

k. Marijuana Establishment — a Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Cultivator, Marijuana Independent Testing Laboratory, or any other type of Cannabis Control Commission-licensed Marijuana-related business or entity.

l. Marijuana Establishment Agent — **any owner, employee, executive, or volunteer of a Marijuana Establishment, who shall be 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana**. ~~**a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana**~~

m. **Marijuana Establishment Branded Goods — a merchandise item offered for sale by a Marijuana Establishment, and identifiable as being of a particular Marijuana Establishment, distinct from those of other entities, by having the Marijuana Establishment's brand name. A Marijuana Establishment Branded Good does not include Marijuana, Marijuana Products, or Marijuana Accessories. It may include apparel, water bottles or other similar non-edible merchandise.**

n. Marijuana Independent Testing Laboratory — **an entity licensed or registered by the Massachusetts Cannabis Control Commission that is** ~~**(i) accredited to the most current International Organization for Standardization 17025 by a third-party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation Mutual Recognition Arrangement or that is otherwise approved by the Cannabis Control Commission; (ii) independent financially from any Medical Marijuana Treatment Center or any Cannabis Control Commission licensee or Marijuana Establishment of which it conducts a test; and (iii) qualified to test Marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C,**~~

~~§ 34. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.~~ **qualified to test Marijuana and Marijuana Products in conformity with State law.**

m. Marijuana Products — **Marijuana and its products, unless otherwise indicated. Marijuana Products includes products that have been manufactured and contain cannabis, marijuana, or an extract from cannabis or marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edibles, beverages, topical products, ointments, oils and tinctures. Marijuana Products include Marijuana-infused Products (MIPs).** ~~products that have been manufactured and contain Marijuana or an extract from Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.~~

n. Marijuana Product Manufacturer — an entity licensed by the Massachusetts Cannabis Control Commission to obtain, manufacture, process and package Marijuana and Marijuana Products~~, to deliver Marijuana and Marijuana Products to Marijuana Establishments~~ and to transfer Marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers.

o. **Marijuana Research Facility – an academic institution, nonprofit corporation or domestic corporation or entity licensed by the Massachusetts Cannabis Control Commission to conduct research.**

p. Marijuana Retailer — **an entity licensed by the Massachusetts Cannabis Control Commission to purchase,** ~~and deliver Marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell or otherwise transfer Marijuana and Marijuana Products to Marijuana Establishments and to consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.~~ **repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to transfer or otherwise transfer this product to Marijuana Establishments and to sell to Consumers.**

q. **Marijuana Transporter – An entity, not otherwise licensed by the Massachusetts Cannabis Control Commission, that is licensed by the Massachusetts Cannabis Control Commission to possess Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or Medical Marijuana Treatment Centers, but not to consumers.**

r. **Marijuana Warehouse – Marijuana Warehouse means an indoor structure or a portion of the structure on the licensed Premises used by a Marijuana Establishment for the onsite storage of Marijuana and Marijuana Products in compliance with the regulatory requirements of 935 CMR 500.000 including the requirements for security, storage and disposal. For Marijuana Delivery Operators, the location of the Marijuana Warehouse shall be the Licensee's principle place of business within the Town.**

s. **Marijuana Warehousing – Marijuana Warehousing means the onsite storage of Marijuana and Marijuana Products that have been purchased at wholesale for eventual resale.**

t. Medical Marijuana Treatment Center— an entity **licensed by the Massachusetts Cannabis Control Commission** that acquires, cultivates, possesses, processes (including development of related products such as edible**s,** Marijuana-infused products, tinctures, aerosols, oils, or ointments), **repackages,** ~~**transfers,**~~ transports, sells, distributes, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use.

u. Mixed Use Social Consumption Marijuana Retailer — a Marijuana Retailer that is in possession of a **Select Board**~~**Cannabis Control Commission**~~ Mixed Use Social Consumption Marijuana Retailer license (~~**as may be further provided by 935 CMR,**~~ any commercial enterprise for which 50% or less of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).

v. Primary Use Social Consumption Marijuana Retailer — a Marijuana Retailer that is in possession of a **Select Board**~~**Cannabis Control Commission**~~ Primary Use Social Consumption Marijuana Retailer license (~~**as may be further provided by935 CMR,**~~ any commercial enterprise for which 51% or more of average monthly revenue shall be derived from the sale of marijuana products to be consumed on the premises).

w. Social Consumption Marijuana Retailer — a Marijuana Retailer licensed by the Cannabis Control Commission to ~~**purchase Marijuana and Marijuana Products from Marijuana Establishments and to**~~ sell Marijuana and Marijuana Products on its premises only to consumers or allow consumers to consume Marijuana and Marijuana Products **and allow consumers to consumer Marijuana or Marijuana Products solely** on its premises ~~**only**~~.

x. **Standards Laboratory – a laboratory meeting the requirements of the Independent Testing laboratory that is licensed by the Massachusetts Cannabis Control Commission as a Standards Laboratory to ensure consistent and compliant testing by the Independent Testing Laboratories.**

y. Storefront Marijuana Retailer — a Marijuana Retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Massachusetts Medical Use of Marijuana Program.

z. **White Labeling – White Labeling means to affix a product label that includes the branding, including the name and logo, of a specific Marijuana Establishment Licensee to a Finished Marijuana Product that was previously produced and packaged by a licensed Product Manufacturer, Cultivator, Microbusiness or Craft Marijuana Cooperative for sale to Consumers.**

~~**Section 8.37.3 MEDICAL MARIJUANA TREATMENT CENTERS**~~

~~**Medical Marijuana Treatment Centers licensed prior to July 1, 2017 may be licensed pursuant to Section 8.37. 6 below or under Article 8.34 of the General By-Laws, as the Select Board may determine in conformity with applicable State and local laws.**~~

Section 8.37.**34** CAPS ON THE NUMBER OF SELECT BOARD LICENSES FOR MARIJUANA RETAILERS

The Select Board shall not issue more Marijuana Establishment licenses in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction: a) Storefront Marijuana Retailers, b) **Marijuana Delivery Operators**~~**Delivery-Only Marijuana Retailers**~~; ~~**and**~~ c) Social Consumption Marijuana Retailers, **and d) Marijuana Couriers**.

Section 8.37.**45** GENERAL REQUIREMENTS FOR MARIJUANA ESTABLISHMENTS

Marijuana Establishments shall comply with the following requirements:

A. General

1. Marijuana Establishments shall comply with applicable State and local laws, regulations, by-laws, codes, conditions and agreements with the Town, including, but not limited to, M.G.L. c. 94G, M.G.L. c. 94I, 935 CMR 500, the Town of Brookline's General By-Laws, the Town of Brookline's Zoning By-Laws, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Establishment (including, but not limited to, the Town's Zoning Board of Appeals special permit).

2. Marijuana Establishments shall execute and maintain a Host Community Agreement with the Town which shall include the conditions for having the Marijuana Establishment within the Town in conformity with applicable law.

3. Marijuana Establishments shall maintain all permits and licenses required by State and local laws, including, but not limited to, a valid, current license in good standing from the Cannabis Control Commission. Any voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Establishment's Cannabis Control Commission license, shall result in an automatic suspension of the Select Board license pending hearing or the opportunity therefore afforded to the Marijuana Establishment.

4. All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the Town from any fee, charge or tax, which balance is at least six (6) months past due.

5. Any Marijuana Establishment licensee wishing to close a place of business or cease operations , whether on a temporary or permanent basis, may do so only if permitted by State law and must submit to the Select Board a written request for the Select Board's permission to do so, stating the reason for and length of such closing or inactivity. Failure to provide such notice and to obtain such permission may, after hearing or reasonable opportunity therefor, result in cancelation of the license.

B. Operational Requirements

1. All Marijuana Establishments' licensed operations shall be conducted within a building or fixed structure.

2. No Marijuana Establishment shall allow cultivation, processing, manufacture, sale or display of Marijuana or Marijuana Products to be visible from a public place without the use of binoculars, aircraft or other optical aids.

3. Marijuana Establishments may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Establishment to access the area.

4. No Marijuana Establishment shall allow any person under 21 years of age to volunteer or work for the Marijuana Establishment.

5. The hours of operation of Marijuana Establishments shall be set by the Select Board. The licensee shall not change its hours of operation without Board approval.

6. Marijuana Establishments shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.

7. Marijuana Establishments shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.

8. Marijuana Establishment operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Establishment, or in use of Marijuana in any manner that violates State or local law.

9. Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment's premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Department Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.

10. Marijuana Establishments shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.

11. A Marijuana Establishment shall be required to remove all Marijuana and Marijuana Products by the earlier of:
    a) prior to surrendering its State-issued license; or
    b) within six (6) months of ceasing operations.

12. Marijuana Establishments shall comply with 527 CMR and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.

13. Marijuana Retailers **and Marijuana Delivery Operators** are required to engage in patron age verification using legally-acceptable proof of age as may be further specified by the Select Board license.

14. Marijuana Retailers **and Marijuana Delivery Operators** shall not sell or offer for sale Marijuana or Marijuana Products in a quantity that exceeds the limits established by 935 CMR 500.

15. Marijuana Establishments shall not supply Marijuana or Marijuana Products free of charge or in connection with a commercial or promotional endeavor within the Town of Brookline. Such endeavors include, but are not limited to, product "giveaways", or distribution of Marijuana or Marijuana Products as an incentive, prize or bonus in a game, contest or tournament involving skill or chance.

16. Marijuana Retailers are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel, and include vending machines.

17. Consumption of Marijuana in the interior or exterior of the premises is not permitted except as follows. Duly-licensed Social Consumption Marijuana Retailers may permit on-premises consumption of Marijuana and Marijuana Products which they are licensed to sell to customers purchasing their products who are aged 21 years and older in the event that on-premises consumption is approved by the Town pursuant to and in the manner provided by M.G.L. c. 94G, § 3(b). In the event that on-premises consumption is approved by the Town in such manner, Social Consumption Marijuana Retailers must abide by all State and local requirements for Marijuana Establishments. Social Consumption Marijuana Retailers shall comply with all legal requirements pertaining to verification that a patron is at least 21 years of age utilizing acceptable forms of proof of age, including any proof-of-age verification requirements established by the Select Board in connection with the local licensing of Marijuana Establishments. In no event shall Social Consumption Marijuana Retailers permit the smoking of Marijuana or Marijuana Products on the premises. Smoking is defined to mean the lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette or other similar device shall be considered smoking.

C. Security-Specific Requirements

1. Marijuana Establishments shall maintain compliance with any Town Police Department-approved security and public safety plan as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of

video and lighting locations, notifications to the Police Department in the event of any known or suspected violation of criminal law that has taken place on or near the location of the establishment (related or unrelated to the business or the establishments), providing access to and transfer of video footage from the establishment's video surveillance system to the Police Department when the Police Department so requests (which request may be made when the Police Department has a reason to believe that such footage may be of assistance in an ongoing investigation related or non-related to the business of the establishment), a requirement to connect an alarm system to a third party monitoring system and to notify the Town's Chief of Police about said third party monitoring system, and any other notifications and security-related measures as may be required by the Police Department and the Select Board.

2. Marijuana Establishments shall secure every entrance to the Marijuana Establishment so that access to areas containing Marijuana is restricted to employees and others permitted by the Marijuana Establishment to access the area and to agents of the Cannabis Control Commission or state and local law enforcement officers and emergency personnel.

3. Marijuana Establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana Accessories.

4. Marijuana Establishments shall file an emergency response plan with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.

D. Access to Premises and Information/Reporting/Record-Keeping

1. Marijuana Establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Select Board and agents of the Select Board from the Building, Health, Police and Fire Departments (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sergeant or higher) on week-days during normal business hours to determine the Marijuana Establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Establishment. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.

2. Marijuana Establishments shall cooperate and comply with requests for information made by the Select Board and its agents from the Planning, Building, Health, Police, Fire and Public Works Departments.

3. Within twenty-four (24) hours of receipt of notice of it, a Marijuana Establishment shall file with the Town Administrator, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control Commission and Massachusetts Department of Public Health (DPH)) regarding the Marijuana Establishment, the Cannabis Control Commission license, or the DPH Certificate of Registration.

Section 8.37.**56** MARIJUANA ESTABLISHMENT SELECT BOARD LICENSE

a. No person shall operate a Marijuana Establishment or sell Marijuana within the Town unless licensed to do so by the Select Board. Unless the Select Board license states a different duration, a Marijuana Establishment license shall be valid for a term of one year from the first day of January. Each day of operation without a Select Board license shall constitute a separate violation.

b. A Select Board license shall be subject to the Marijuana Establishment's compliance with this Article 8.37 and with any conditions placed on the Marijuana Establishment's license. An applicant's or licensee's violation of this Article 8.37 and applicable State and local law shall be good cause for and may result in the Select Board's denial of an application or sanction of a license to the extent permitted by law, including, but not limited to, the imposition of additional conditions on a license, a reduction or modification of the licensee's approved hours of operations, or a suspension, non-renewal, revocation, forfeiture, or cancellation of a license. No sanction shall be made except after notice and opportunity for hearing.

c. The Select Board may issue regulations for the implementation of this By-Law.

d. The Select Board shall specify the process and forms to be used by applicants for new and renewed licenses.

e. All license applications must contain complete and truthful information. Submission of an application containing material false information may be cause

for refusing the application or for suspending, canceling or revoking a license already granted. No application will be accepted for filing by the Select Board until it is fully complete. Annual license fees shall be payable immediately upon approval of the license by the Select Board. License fees shall not be prorated and are not refundable. Application and license fees shall be in an amount established by the Select Board pursuant to M.G.L. c. 40, § 22F.

f. No Select Board licensee may transfer a license to another person or entity, or transfer the license or operations to another location, without Select Board approval. A Select Board licensee must obtain Select Board approval for a change to or addition of Board Member, Executive, Director and/or Managers, as may be determined by the Select Board. Any transfer shall be subject to the terms and conditions of the original license, unless otherwise stipulated by the Board.

g. A Select Board licensee must apply for and obtain the approval of the Select Board or its designee prior to making any structural change to the premises.

h. The Select Board licensee shall display its license on the premises in a conspicuous place where it can be easily read.

i. The Select Board or its designee may inspect a Marijuana Establishment and affiliated vehicles prior to the issuance of a Marijuana Establishment license or renewal of a license.

j. All areas of a Marijuana Establishment may be subject to inspection consistent with applicable law.

k. The Select Board may, to the extent permitted under applicable law, consider whether an applicant for a license is a suitable and responsible license candidate and other aspects of the application as may be necessary to implement the purposes of this By-Law. An applicant's non-compliance with applicable Massachusetts laws and regulations (including 935 CMR 500), Town by-laws (including this Article and applicable sections of the Town's Zoning By-Law), Town regulations and codes, and any conditions on a license may be cause for denial of an application for a new or renewed Marijuana Establishment license.

Section 8.37.**68** FINES

Any person violating this By-Law shall be fined in the amount of $100 for each violation. Each day of a continuing violation shall count as a separate violation.

Section 8.37.**78** IMPLEMENTATION

This By-Law shall not be implemented in a manner that conflicts or interferes with the Massachusetts General Laws Chapter 94G or Chapter 94I, or with the regulations promulgated thereunder, including 935 CMR 500.

or act on anything relative thereto.

Explanation

The May 2018 Town Meeting approved Article 8.37 of the Town's General By-Laws. Article 8.37 established a local regulatory scheme for recreational ("Adult Use") marijuana retailers and other forms of marijuana establishments established by State statute and State regulations promulgated by the Massachusetts Cannabis Control Commission ("CCC").

In December 2020, the CCC amended its regulations to create two new State license types: **(1)** the "Marijuana Delivery Operator" (a marijuana establishment with no storefront presence that sells and delivers marijuana and marijuana products directly to consumers utilizing an on-line platform), and **(2)** the "Marijuana Courier" (which do not sell directly to consumers but partner with marijuana establishments that do so, to effectuate their deliveries to consumers; functionally, the Marijuana Courier is what the CCC regulations formerly termed "Delivery Only" Marijuana Retailers).

The new CCC regulations reserve these two license types to "Economic Empowerment" applicants and "Social Equity Program Participants" at least during the three (3) year period from when the State's first Marijuana Delivery Operator may commence operations.

The new CCC regulations make other changes of lesser significance from a local regulation perspective, including terminology differences in some previously defined terms.

Town staff have developed the foregoing warrant article and an accompanying warrant article proposing Zoning Bylaw changes in order to provide for siting, Select Board licensing, and local regulation of Marijuana Delivery Operators and Marijuana Couriers. The foregoing warrant article proposes caps on the two new license categories that are the same as the cap for the formerly denominated "Delivery Only" Marijuana Retailer (now termed the "Marijuana Courier") and other Marijuana Retailers (since the "Delivery Operator" will, in fact, sell marijuana and marijuana products to consumers). The Town has no experience with either use and, therefore, it seems prudent to establish caps at the outset of permitting/licensing these uses while any community impacts are assessed. As with any Marijuana Establishment applicant for a special permit and Select Board license, these two new types of marijuana businesses will undergo site plan review through the Planning Department, Planning Board and Zoning Board of Appeals processes, as well as cross-departmental review in connection with determining Select Board license conditions and eligibility for a license.

The foregoing warrant article also proposes to delete a provision for licensing of Medical Marijuana Treatment Centers under an older bylaw (Article 8.34 of the General

Bylaws), since NETA was the only entity licensed under it and NETA is now fully licensed pursuant to the existing Article 8.37 instead of under Article 8.34.

Both the proposed General Bylaw and Zoning Bylaw amendments propose to amend some definitions in the existing bylaws in order to bring them into greater uniformity with the new CCC terminology.

The foregoing warrant article references licensing of "primary use" versus "mixed use" Social Consumption Marijuana Retailers, now pursuant to a Select Board and not a CCC licensing scheme. The new CCC regulations eliminate the distinction (and instead reference a generic "Social Consumption" license for any establishment selling marijuana for on-premises consumption); therefore, if there is to be a distinction between "primary use" and "mixed use" Social Consumption Marijuana Retailers, it must be maintained locally pursuant to a Select Board licensing scheme, if at all. Currently, the Town does not permit Social Consumption Marijuana Retailers, as the vehicle for permitting them, pursuant to State law, is a Town-wide vote that has not occurred. The foregoing proposes the language change referencing Select Board "primary use" versus "mixed use" Social Consumption Marijuana Retailer licenses solely for purposes of bringing the language into conformity with the current CCC regulations. In the event that efforts begin to legalize Social Consumption Marijuana Retailers within the Town through the legally-required Town-wide vote, this language and the distinction it makes should be revisited. Likewise, the proposed Zoning Bylaw amendments retain the "primary use" and "mixed use" distinction for now, in light of the above.

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ARTICLE ___

Submitted by: Department of Planning and Community Development

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

By amending §2.13, "M" Definitions, as follows (additions are denoted in ***bold, italicized*** text, deletions are denoted in ~~stricken~~ text):

1. MARIJUANA — As defined or amended by State regulations, all parts of any plant of the genus Cannabis, not excepted below and whether growing or not; the seeds thereof; and resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture or preparation of the plant, its seeds or resin including tetrahydrocannabinol as defined in section 1 of chapter 94C; provided, however, that "Marijuana" shall not include (1) the mature stalks of the plant, fiber produced from the stalks, oil, or cake made from the seeds of the plant, any other compound, manufacture, salt derivative, mixture or preparation of the mature stalks, fiber, oil or cake made from the seeds of the plant or the sterilized seed of the plant that is incapable of germination; (2) hemp; or (3) the weight of any other ingredient combined with Marijuana to prepare topical or oral administrations, food, drink or other products. Marijuana also includes Marijuana Products except where the context clearly indicates otherwise.

a. Marijuana, Hemp — As defined or amended by State regulations, the plant of the genus Cannabis or any part of the plant, whether growing or not, with a delta-9-tetrahydrocannabinol concentration that does not exceed 0.3 per cent on a dry weight basis of any part of the plant of the genus Cannabis, or per volume or weight of Marijuana product, or the combined per cent of delta-9-tetrahydrocannabinol and tetrahydrocannabinolic acid in any part of the plant of the genus Cannabis regardless of moisture content.

2. ***MARIJUANA ACCESSORIES – As defined or amended by State regulations, equipment, products, devices or materials of any kind that are intended or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, ingesting, inhaling or otherwise introducing Marijuana into the human body.***

3. MARIJUANA ESTABLISHMENT – As defined or amended by State regulations, a Marijuana Retailer, Marijuana Product Manufacturer, Marijuana Cultivator, Independent Testing Laboratory, or any other type of Marijuana-related business that has been duly licensed by the Massachusetts Cannabis Control Commission or relevant State agency.

a. ***Marijuana Establishment, Marijuana-Courier – As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission to deliver Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods directly to consumers from a***

Marijuana Retailer, or directly to registered qualifying patients or caregivers from an Medical Marijuana Treatment Center, but is not authorized to sell Marijuana or Marijuana Products directly to consumers, registered qualifying patients or caregivers and is not authorized to wholesale, Warehouse, process, repackage, or White Label. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.

b. Marijuana Establishment, Craft Marijuana ~~Cultivator~~ Cooperative — As defined or amended by State regulations, a Marijuana Cultivator comprised of residents of Massachusetts organized as a limited liability company or limited liability partnership under Massachusetts law, or an appropriate business structure as determined by the Massachusetts Cannabis Control Commission, and that is licensed by the ***Massachusetts*** Cannabis Control Commission to cultivate, obtain, manufacture, process, package, ~~and~~ brand ***and transfer*** Marijuana ***or*** ~~and~~ Marijuana Products to deliver Marijuana to Marijuana Establishments but not to consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.

c. Marijuana Establishment, Marijuana Cultivator – As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission to cultivate, process, and package Marijuana, to deliver Marijuana to Marijuana Establishments and to transfer Marijuana to other Marijuana Establishments, but not to consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.

d. Marijuana Establishment, ***Marijuana*** Delivery ***Operator*** ~~Only Marijuana Retailer~~ — As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission ***to purchase at wholesale and Warehouse Finished Marijuana Products and White Label, sell and deliver Finished Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods directly to consumers, but is not authorized to repackage Marijuana or Marijuana Products or operate a storefront under this license. For Delivery Operators, the location of the Warehouse shall be the Licensee's principle place of business within the Town.*** ~~as a Marijuana Retailer that does not provide a retail location accessible to the public, but is authorized to deliver directly from a Marijuana Cultivator facility, Craft Marijuana Cultivator Cooperative facility, Marijuana Product Manufacturer facility, or Micro-Business.~~. ***This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

e. Marijuana Establishment, Marijuana Independent Testing Laboratory — As defined or amended by State regulations, an entity licensed ***or registered*** by the Massachusetts Cannabis Control Commission that is ~~(i) accredited to the most current International Organization for Standardization 17025 by a third party accrediting body that is a signatory to the International Laboratory Accreditation Accrediting Cooperation Mutual Recognition Arrangement or that is otherwise~~

~~approved by the Cannabis Control Commission; (ii) independent financially from any Medical Marijuana Treatment Center or any Cannabis Control Commission licensee or Marijuana Establishment of which it conducts a test; and (iii) qualified to test Marijuana in compliance with 935 CMR 500.160 and M.G.L. c. 94C, § 34. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.~~ ***qualified to test Marijuana and Marijuana Products in conformity with State law. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

f. Marijuana Establishment, Marijuana Micro-Business — As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission to ***operate as a*** ~~act as a co-located licensed Marijuana Cultivator in an area less than 5,000 square feet, a licensed Marijuana Product Manufacturer, and a licensed Marijuana Delivery Service, in compliance with operating procedures for each such license and siting requirements for each type of licensee.~~ ***Tier 1 Marijuana Cultivator or Marijuana Product Manufacturer or both, and, if in receipt of a Delivery Endorsement issued by the Massachusetts Cannabis Control Commission, to deliver Marijuana or Marijuana Products produced at the licensed location directly to consumers in compliance with established regulatory requirements for retail sale as it relates to delivery. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

g. Marijuana Establishment, Marijuana Product Manufacturer — As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission to ~~obtain, manufacture, process and package Marijuana and Marijuana Products, to deliver Marijuana and Marijuana Products to Marijuana Establishments and to transfer Marijuana and Marijuana Products to other Marijuana Establishments, but not to consumers~~ ***obtain, manufacture, process and package Marijuana or Marijuana Products and to transfer these products to other Marijuana Establishments, but not to Consumers***. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.

h. Marijuana Establishment, Marijuana Research Facility — As defined or amended by State regulations, an ***academic institution, nonprofit corporation or domestic corporation or entity licensed by the Massachusetts Cannabis Control Commission to conduct research*** ~~entity licensed by the Massachusetts Cannabis Control Commission to engage in research projects, including cultivation, purchase or acquisition otherwise of Marijuana for the purpose of conducting research regarding Marijuana and Marijuana Products or any analogous uses. A Marijuana Research Facility may be academic institutions, non-profit corporations and domestic corporations or entities authorized to do business in Massachusetts. A Marijuana Research Facility may hold a Cannabis Control~~

~~Commission Marijuana Retailer License to sell Marijuana and Marijuana Products other than Marijuana cultivated under its research license.~~. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.

i. Marijuana Establishment, Marijuana Retailer — As defined or amended by State regulations, an entity licensed by the Massachusetts Cannabis Control Commission to purchase, ~~and deliver Marijuana and Marijuana Products from Marijuana Establishments and to deliver, sell or otherwise transfer Marijuana and Marijuana Products to Marijuana Establishments and to consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.~~ ***repackage, White Label, and transport Marijuana or Marijuana Product from Marijuana Establishments and to transfer or otherwise transfer this product to Marijuana Establishments and to sell to Consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

j. Marijuana Establishment, Social Consumption Marijuana Retailer — As defined or amended by State regulations ***and the Town's General Bylaws***, a Marijuana Retailer licensed by the Massachusetts Cannabis Control Commission ***to sell Marijuana or Marijuana Products and allow consumers to consume Marijuana or Marijuana Products solely on its premises. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.*** ~~to purchase Marijuana and Marijuana Products from Marijuana Establishments and to sell Marijuana and Marijuana Products on its premises only to consumers or allow consumers to consume Marijuana and Marijuana Products on its premises only.~~

k. Marijuana Establishment, Marijuana Transporter — As defined or amended by State regulations, an entity, not otherwise licensed by the Massachusetts Cannabis Control Commission, that is licensed by the ***Massachusetts*** Cannabis Control Commission to ~~purchase, obtain and possess Marijuana and Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments, not for sale to consumers. This definition includes the foregoing uses described in this definition when conducted by Marijuana Establishments.~~***possess Marijuana Products solely for the purpose of transporting, temporary storage, sale and distribution to Marijuana Establishments or Medical Marijuana Treatment Centers, but not to consumers. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

l. Marijuana Establishment, Medical Marijuana Treatment Center — As defined of amended by State regulations, an entity ***licensed by the Massachusetts Cannabis Control Commission*** that ~~acquires, cultivates, possesses, processes (including development of related products such as edible Marijuana-infused products, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes,~~

~~dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use, as otherwise defined by State law. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.~~***acquires, cultivates, possesses, processes (including development of related products such as edibles, MIPs, tinctures, aerosols, oils, or ointments), repackages, transports, sells, distributes, delivers, dispenses, or administers Marijuana, products containing Marijuana, related supplies, or educational materials to registered qualifying patients or their personal caregivers for medical use. This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

m. Marijuana Establishment, Standards Laboratory — As defined or amended by State regulations, a laboratory meeting the requirements of the Independent Testing laboratory that is licensed by the Massachusetts Cannabis Control Commission as a Standards Laboratory to ensure consistent and compliant testing by the Independent Testing Laboratories. ***This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

n. Marijuana Establishment, Storefront Marijuana Retailer — As defined or amended by State regulations, a Marijuana Retailer providing a retail location accessible to consumers 21 years of age or older or in possession of a registration card demonstrating that the individual is a registered qualifying patient with the Medical Use of Marijuana Program. ***This definition includes the foregoing uses described in this definition when conducted by other types of Marijuana Establishments.***

4. MARIJUANA ESTABLISHMENT AGENT — As defined or amended by State regulations, ~~a board member, director, employee, executive, manager, or volunteer of a Marijuana Establishment, who is 21 years of age or older. Employee includes a consultant who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, dispensing, or any other analogous uses of Marijuana.~~***any owner, employee, executive, or volunteer of a Marijuana Establishment, who shall be 21 years of age or older. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of Marijuana.***

5. ***MARIJUANA ESTABLISHMENT BRANDED GOODS — a merchandise item offered for sale by a Marijuana Establishment, and identifiable as being of a particular Marijuana Establishment, distinct from those of other entities, by having the Marijuana Establishment's brand name. A Marijuana Establishment Branded Good does not include Marijuana, Marijuana Products, or Marijuana Accessories. It may include apparel, water bottles or other similar non-edible merchandise.***

6. MARIJUANA PRODUCTS — As defined or amended by State regulations, ~~products that have been manufactured and contain Marijuana or an extract from Marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, ointments, oils and tinctures.~~***Marijuana and its products, unless otherwise indicated. Marijuana Products includes products that have been manufactured and contain cannabis, marijuana, or an extract from cannabis or marijuana, including concentrated forms of Marijuana and products composed of Marijuana and other ingredients that are intended for use or consumption, including edibles, beverages, topical products, ointments, oils and tinctures. Marijuana Products include Marijuana-infused Products (MIPs).***

a. ***Marijuana Products, Finished – As defined or amended by State regulations, usable Marijuana, Cannabis resin or Cannabis concentrate that is completely manufactured and ready for retail sale and shall include Finished Marijuana that has been separated into individual packages or containers for sale.***

~~6.~~*7.* MARIJUANA, MANUFACTURE — As defined or amended by State regulations, to compound, blend, extract, infuse or otherwise make or prepare a Marijuana product.

8. MARIJUANA, MARIJUANA MANUFACTURER RESIDENTIAL USE: Residential Marijuana *e*~~E~~xtraction by *n*~~N~~on-licensed *e*~~E~~stablishments or *i*~~I~~ndividuals utilizing extraction processes that pose an explosive or flammable danger, including solvent-based extraction and any method utilizing liquefied petroleum gas ("LPG", as may be defined by NFPA1, including propylene, propane, butane, butylenes, and mixtures thereof).~~.~~

~~7.~~*9.* ***MARIJUANA, WAREHOUSE – Marijuana Warehouse means an indoor structure or a portion of the structure on the licensed Premises used by a Marijuana Establishment for the onsite storage of Marijuana and Marijuana Products in compliance with the regulatory requirements of 935 CMR 500.000 including the requirements for security, storage and disposal. For Delivery Operators, the location of the Warehouse shall be the Licensee's principle place of business within the Town.***

~~8.~~*10.* ***MARIJUANA, WAREHOUSING – Marijuana Warehousing means the onsite storage of Marijuana and Marijuana Products that have been purchased at wholesale for eventual resale.***

~~9.~~*11.* ***MARIAJUANA, WHITE LABELING – Marijuana White Labeling means to affix a product label that includes the branding, including the name and logo, of a specific Marijuana Establishment Licensee to a Finished Marijuana Product that was previously produced and packaged by a licensed Product Manufacturer, Cultivator, Microbusiness or Craft Marijuana Cooperative for sale to Consumers.***

And further, by amending §4.07, Table of Use Regulations, as follows (all uses are new):

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20B. Medical Marijuana Treatment Centers (see Section 4.13 for applicable definition), and uses analogous to Marijuana Retailer Uses Only ~~Registered Marijuana Dispensary (RMD)*~~ * To be eligible for a special permit under Use 20B, the requirements under Sec. 4.12, Registered Marijuana Dispensary, and Sec. 4.13, Marijuana Establishments, shall be met, as each may be applicable.	No	No	No	No	No	No	SP*[2]	SP*[2]	SP*
20C. ~~Delivery Only Marijuana Retailers~~ ***Marijuana Couriers*** and Marijuana Transporters *To be eligible for a special permit under Use 20C, the requirements under Sec. 4.13, Marijuana Establishments, shall be met.	No	No	No	No	No	SP*[1]	SP*[1]	SP*[1]	SP*[1]
20D. Marijuana Delivery Operators ****To be eligible for a special permit under Use 20D, the requirements under Sec. 4.13, Marijuana Establishments, shall be met.***	***No***	***No***	***No***	***No***	***No***	***No***	***No***	***SP*[1]***	***SP*[1]***

For Use 20D, all storage of materials and equipment and all business operations, such as loading, parking, and storage of commercial vehicles, shall be within an enclosed building.									
29A. Storefront Marijuana Retailers, stores of less than 5,000 square feet of gross floor area per establishment * Permitted by special permit pursuant to Section 4.13, Marijuana Establishments	No	No	No	No	No	SP*[1, 2]	SP*[1, 2]	No	SP*[1]
29B. Social Consumption Marijuana Retailers * Permitted by special permit pursuant to Section 4.13, Marijuana Establishments, only in the event of a Town-wide vote approving on-site consumption pursuant to M.G.L c.94G, § 3(b).	No	No	No	No	No	SP*[1, 2]	SP*[1, 2]	No	SP*[1]
36C. Marijuana Independent Testing Laboratories, Marijuana Standards Laboratories, and Marijuana Research Facilities * To be eligible for a special permit under Use 36C, the requirements under Sec. 4.13, Marijuana Establishments, and Use 36A. and 36B., restrictions on Marijuana Research Laboratories, shall be met.	No	No	No	No	No	No	SP*[1, 2]	SP*[1, 2]	SP*[1]
38D. Marijuana Cultivators * Permitted by special permit pursuant to Section	No	No	No	No	No	SP*[1, 2]	SP*[1, 2]	SP*[1, 2]	SP*[1]

4.13, Marijuana Establishments									
46B. Marijuana Product Manufacturers * Permitted by special permit pursuant to Section 4.13, Marijuana Establishments	No	No	No	No	No	No	No	No	SP*[1]
Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
65A. Marijuana Manufacturer Residential Uses	No	No	No	No	No	No	No	No	No

FOOTNOTES:

1. Allowed use by Special Permit unless a Town-wide vote bans this use.
2. No manufacturing of Marijuana is permitted in these districts.

And further, by creating a new §4.13, Marijuana Establishments with the following requirements:

§4.13 -Marijuana Establishments

1. Purpose

   The intent of this section is to permit Marijuana Establishments to operate in locations and pursuant to local requirements that ensure safe and appropriate implementation of Chapter 334 of the Acts of 2016 (Question #4 on the November 8, 2016 ballot), legalizing recreational Marijuana, within the community.

   If any provisions of this section shall be held to be invalid, those provisions shall be severable and the remaining sections shall be valid.

2. Definitions

   See Massachusetts General Laws Chapter 94G, Section 1, Chapter 94I, Section 1, and the regulations promulgated thereunder, as they may be amended, as well as Section 2, Definitions, of the Zoning By-Law for further definitions of applicable terms.

~~3. Medical Marijuana Treatment Centers~~

   ~~Medical Marijuana Treatment Centers licensed prior to July 1, 2017 shall be subject to §2.13(1) ("Medical Marijuana Treatment Center"), §4.07, Use 20B, and §4.12 ("Registered Marijuana Dispensary (RMD)") of the Zoning By-Laws and not this section, subject to the following: In the event that the medical Marijuana licensing process by the Select Board pursuant to Article~~

~~8.34 of the General By-Laws is discontinued in whole or in part, a medical Marijuana treatment center not subject to Select Board licensing pursuant to Article 8.34 shall then be subject to the requirements established for Storefront Marijuana Retailers.~~

3. Cap on the Number of Special Permits for Marijuana Retailers, ***Marijuana Couriers, and Marijuana Delivery Operators***

The Zoning Board of Appeals shall not grant a special permit if doing so would result in a total number of outstanding special permits granted to Marijuana Retailers that exceeds any cap set by a General By-Law on the number of Select Board Marijuana Establishment licenses that can be issued to Marijuana Retailers.

If no such General By-Law is in effect at the time of a vote by the Zoning Board of Appeals on a special permit application, the Zoning Board of Appeals shall not issue a special permit if doing so would result in a total number of outstanding special permits that exceeds the following limitations: The Zoning Board of Appeals shall not issue more special permits in each of the following categories of Marijuana Establishment licenses than the number that is 20% of the number of liquor licenses for off-premises alcohol consumption that have been issued by the Select Board pursuant to M.G.L. c. 138, § 15, as rounded up to the nearest whole number in the event the number is a fraction: a) Storefront Marijuana Retailers; b) ~~Delivery-Only Marijuana Retailers~~ ***Marijuana Couriers; c) Marijuana Delivery Operators;*** and ***d)*** Social Consumption Marijuana Retailers.

~~*4.* General Requirements for Marijuana Establishments~~

~~Marijuana Establishments shall comply with the following requirements:~~

~~A. General~~

~~1. Marijuana Establishments shall comply with applicable State and local laws, regulations, by laws, codes, conditions and agreements with the Town, including, but not limited to, M.G.L. c. 94G, M.G.L. c. 94I, 935 CMR 500, the Town of Brookline's General By-Laws, the Town of Brookline's Zoning By-Laws, all applicable Town building, fire prevention, police, and health codes, regulations and standards, any conditions imposed on licenses and permits held by the Marijuana Establishment (including, but not limited to, the Town's Zoning Board of Appeals special permit), and agreements between the Marijuana Establishment and the Town, including host community agreements.~~

~~2. Marijuana Establishments shall maintain all permits and licenses required by State and local laws. Any laws voiding of the Cannabis Control Commission's license by operation of law (including due to cessation of operations, failure to become operational within the permitted time, or relocation without Cannabis Control Commission approval), and any revocation or suspension of the Marijuana Establishment's Cannabis Control Commission license shall result in an automatic suspension of the special permit pending hearing or the opportunity therefore afforded~~

~~to the Marijuana Establishment and pending further determination by the Zoning Board of Appeals.~~

3. ~~All taxes and charges owed to the Town must be paid on a current basis. The Town may place a lien on the property of any person who has an outstanding balance due the Town from any fee, charge or tax, which balance is at least six (6) months past due.~~

~~B. Operational Requirements~~

1. ~~All Marijuana Establishments' licensed operations shall be conducted within a building at a fixed location.~~

2. ~~No Marijuana Establishment shall allow cultivation, processing, manufacture, sale or display of Marijuana or Marijuana Products to be visible from a public place without the use of binoculars, aircraft, or other optical aids.~~

3. ~~Marijuana Establishments may cultivate, process, test, store and manufacture Marijuana or Marijuana Products only within an area that is enclosed and secured in a manner that prevents access by persons not permitted by the Marijuana Establishment to access the area.~~

4. ~~The hours of operation of Marijuana Establishments shall be those that are set by the Marijuana Establishment's host community agreement with the Town or a Select Board-issued license.~~

5. ~~Marijuana Establishments shall ensure that their hours and methods of transportation of product shall not be a detriment to the surrounding area and nearby uses.~~

6. ~~Marijuana Establishments shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the premises.~~

7. ~~Marijuana Establishment operations shall not result in illegal redistribution under State or local law of Marijuana obtained from the Marijuana Establishment, or in use of Marijuana in any manner that violates State or local law.~~

8. ~~Marijuana Establishment operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of Marijuana, excessive pedestrian or vehicular traffic, odors emanating from the Marijuana Establishment's premises, electrical lighting, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Division Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.~~

9. ~~Marijuana Establishments shall equip the premises and otherwise conduct their operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of Marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the facility or at any adjoining use or property.~~

10. ~~A Marijuana Establishment shall be required to remove all Marijuana and Marijuana Products by the earlier of:~~
    ~~a) prior to surrendering its State-issued license; or~~
    ~~b) within six (6) months of ceasing operations.~~

11. ~~Marijuana Establishments shall comply with 527 CMR and with Chapter 38 of the NFPA 1 (2018), as they may be amended, and as applicable.~~

12. ~~Marijuana Establishments are prohibited from use of on-site self-service displays. Self-service displays are defined to mean displays from which customers may select Marijuana or Marijuana Products without assistance from an employee or store personnel, and include vending machines.~~

13. ~~Consumption of Marijuana in the interior or exterior of the premises is not permitted except as follows. Duly-licensed Social Consumption Marijuana Retailers may permit on-premises consumption of Marijuana and Marijuana Products which they are licensed to sell to customers purchasing their products who are aged 21 years and older in the event that on-premises consumption is approved by the Town pursuant to and in the manner provided by M.G.L. c. 94G, § 3(b). In the event that on-premises consumption is approved by the Town in such manner, Social Consumption Marijuana Retailers must abide by all State and local requirements for Marijuana Establishments. Social Consumption Marijuana Retailers shall comply with all legal requirements pertaining to verification that a patron is at least 21 years of age utilizing acceptable forms of proof of age, including any proof of age verification requirements established by the Select Board in connection with the local licensing of Marijuana Establishments. In no event shall Social Consumption Marijuana Retailers permit the smoking of Marijuana or Marijuana Products on the premises. Smoking is defined to mean the lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other product designed to be combusted and inhaled. The activation of or inhalation of vapor from an e-cigarette or other similar device shall be considered smoking.~~

~~C. Security-Specific Requirements~~

1. ~~Marijuana Establishments shall maintain compliance with any Town Police Department-approved security and public safety plans as the Police Department may require, which plan may include measures relating to alarms, fencing, gates, limited access areas, delivery procedures, police details, specification of video and lighting locations, notifications to the Police Department in the event of any known or suspected~~

~~violation of criminal law that has taken place on or near the location of the establishment.~~

2. ~~Marijuana Establishments shall secure every entrance to the Marijuana Establishment so that access to areas containing the storage of Marijuana products are restricted to employees and others permitted by the Marijuana Establishment to access the area and to Cannabis Control Commission or state and local law enforcement officers, agents and emergency personnel.~~

3. ~~Marijuana Establishments shall secure their inventory and equipment during and after operating hours to deter and prevent theft of Marijuana, Marijuana Products and Marijuana accessories.~~

4. ~~Marijuana Establishments shall file an emergency response plan with the Town's Fire, Police and Health Departments and share with these Departments their security plan and procedures and any updates to them in the event they are modified.~~

D. ~~Access to Premises and Information/Reporting/Record-Keeping~~

1. ~~Marijuana Establishments shall consent to unannounced, unscheduled, periodic inspections of its premises by the Building Commissioner or designee, including an agent from the Building, Health, Police and Fire Departments (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sergeant or higher) on week-days during normal business hours to determine the Marijuana Establishment's compliance with the requirements of applicable state and local laws, regulations, codes, license and permit conditions, and this section. In addition, routine inspections may be made on week-days during regular Town business hours by authorized inspectional departments to determine compliance with applicable state and local laws, regulations, codes and license and permit conditions. Inspections by the authorized inspectional departments may be made at other times to investigate complaints or suspected non-compliance issues. Inspections may include all areas occupied, used or controlled by the Marijuana Establishment. Facilities requiring re-inspection are subject to applicable re-inspection fees. Inspections shall be conducted in conformity with applicable federal, state and local law.~~

2. ~~Marijuana Establishments shall cooperate and comply with requests for information made by the Building Commissioner or designee, including agents from the Planning, Building, Health, Police, Fire and Public Works Departments.~~

3. ~~Within twenty-four (24) hours of receipt of notice of it, a Marijuana Establishment shall file with the Town Administrator, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state or federal agency (including, but not limited to, the Cannabis Control~~

~~Commission and Massachusetts Department of Public Health) regarding the Marijuana Establishment, the Cannabis Control Commission license, or the Department of Public Health Certificate of Registration.~~

~~E.~~ ***4.*** Additional Location Requirements for Marijuana Establishments

1. Marijuana Establishments shall not be located in a building that contains a pre-existing daycare center.

2. Marijuana manufacturing or extraction shall not be done in any building containing assembly, educational, health care, ambulatory health care, residential board and care, residential, or detention and correctional facilities.

3. ~~Delivery Only Marijuana Retailers~~ ***Marijuana Couriers*** and Marijuana Transporters shall not occupy street-level space in Local or General Business districts.

4. The required distance from schools that serve Kindergarten through 12th grade, public or private, shall be:

    a. 500 feet for i) Social Consumption Marijuana Retailers issued a primary use license; and ii) Storefront Marijuana Retailers with the following provisions:

        1. Where the 500-foot buffer intersects a major corridor (as defined in subsection 2 immediately below), the buffer zone shall not include land on the opposite side of the major corridor from where the school is located.

        2. For purposes of this section, "major corridors" are defined as Beacon Street, Commonwealth Avenue, and/or Route 9 (otherwise known as Boylston Street, including a portion of Route 9 that converts to Washington Street).

    b. No distance requirement applicable to i) Marijuana Research Facilities that do not hold a Marijuana Retailer license; ii) Marijuana Independent Testing Laboratories; and iii) Marijuana Standards Laboratories.

    c. 200 feet for all other Marijuana Establishments.

    d. Measured from lot boundary to lot boundary.

5. Density requirements for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers shall be:

    a. A minimum of 200 feet from another Social Consumption Marijuana Retailer issued a ***Select Board*** primary use license ***pursuant to Article 8.37 of the Town's General Bylaws*** or ***a*** Storefront Marijuana Retailer**,** if any portion of the establishment is located at street-level.

b. Allowed within 200 feet from another Social Consumption Marijuana Retailer issued a ***Select Board*** primary use license ***pursuant to Article 8.37 of the Town's General Bylaws*** or ***a*** Storefront Marijuana Retailer above or below street-level as long as the Zoning Board of Appeals determines that doing so will not have a detrimental impact on the vibrancy of the streetscape and all other applicable requirements are satisfied (applicable to uses 29A and 29B).

c. Measured from lot boundary to lot boundary.

6. Store Size Limitations for Social Consumption Marijuana Retailers issued a primary use license and Storefront Marijuana Retailers, ***Marijuana Couriers, and Marijuana Delivery Operators*** shall:

a. Not exceed a total gross floor area of 5,000 square feet per establishment.

b. Not exceed a gross floor area of 3,500 square feet and no more than 5,000 square feet total gross floor area per establishment if any portion of the establishment is located at street-level. ***Not applicable to Marijuana Couriers and Marijuana Delivery Operators.***

c. Not apply to Medical Marijuana Treatment Centers licensed to operate prior to July 1, 2017, who receive a State Storefront Marijuana Retailer license or Delivery-Only Marijuana Retailer license pursuant to M.G.L. c. 94G and the regulations promulgated thereunder, unless a licensed Medical Marijuana Treatment Center expands the licensed premises or building.

7. ***The Parking and Loading Requirements for Marijuana Delivery Operators shall be as follows:***
   a. ***All loading, parking, and storage of commercial vehicles shall be within an enclosed building.***
   b. ***Delivery and loading of Finished Marijuana Products, Marijuana Accessories and Marijuana Establishment Branded Goods shall occur with an enclosed building.***
   c. ***The maximum parking limit shall be 1.5 spaces per 1000 square feet.***

5. ~~7~~ Site Plan Review for Marijuana Establishments

The following describes requirements for a Marijuana Establishment site plan review process to precede the Marijuana Establishment's application for a building permit and a special permit:

A. Prior to applying for a building permit, the Marijuana Establishment shall have an initial informal meeting with the Planning Director and the Building Commissioner or designees to discuss development plans and relevant Zoning By-Law requirements.

B. The appropriate site plan review process shall be determined at the initial meeting consistent with the Zoning By-Laws, which may include, but is not limited to, the process for Major Impact Projects and Design Advisory Teams.

C. In addition, at the discretion of the Planning Director or designee, the Marijuana Establishment Site Plan Review process may entail submission of reports from all relevant departments and divisions, which may include the Health Department, the Police Departments, the Fire Department, the Building Department, the Department of Public Works (e.g., the Transportation Division in the event that a Transportation Demand Management Plan may be contemplated, the Water Division, the Highway and Sanitation Division, as applicable), and/or any other Department that the Planning Director or designee determines to be appropriate to the project.

D. The applicant is responsible for obtaining any Department report deemed necessary by the Planning Director or designee in connection with Marijuana Establishment Site Plan Review process and submitting the report to the Planning Department. The Planning Department will assist with identifying to the applicant information and documents that Departments may require in connection with issuing their reports. Departments responsible for reports may identify other needed information and documents needed from the applicant.

E. Each Department designated by the Planning Department to issue a report will make its report available to the applicant no later than forty-five (45) calendar days from the date the applicant has completed submission to the Department of all requested information and documents.

F. In the event a Department designated by the Planning Department to issue a report does not do so within 45 days of when the applicant submitted all requested information and documents to the Department, the applicant may submit to the Planning Department, in lieu of the report, a letter showing evidence of the applicant's submission of requested information and documents to the Department or stating that no documents or information was requested, as the case may be.

G. The Marijuana Establishment shall cooperate with requests for information or meetings by the Planning Director and/or by any of the Departments designated by the Planning Director to issue reports as part of the Marijuana Establishment Site Plan Review process, which information may include the Marijuana Establishment's application for a license from the Cannabis Control Commission or relevant State agency.

H. Marijuana Establishments may not apply for a building permit until the Planning Director and Building Commissioner have issued a written Notice of Completion of Marijuana Establishment Site Plan Review.

6. Special Permits

The following apply to special permits to operate a Marijuana Establishment, in addition to the requirements set forth in §9 of the Zoning By-Laws.

A. Application requirements: Marijuana Establishments shall include with their special permit application:

1. Copies of any required licenses and permits relating to the operation of the Marijuana Establishment, or, if an application for a required license or permit is pending, a copy of the application.

2. Evidence of the Marijuana Establishment's right to use the proposed site as a Marijuana Establishment, such as a deed or lease.

3. A copy of the Notice of Completion of Marijuana Establishment Site Plan Review Process for Marijuana Establishments.

4. Any other materials requested by the Special Permit application form, as well as any other additional materials the Planning Department determines is necessary for review, such as Department reports or transportation studies or a license application.

B. Special permit criteria: The Board of Appeals shall not approve any application for a special permit unless it finds that in its judgment all of the following conditions are met:

1. Issuance of the special permit would not contravene the cap on the number of special permits that may be granted (see subsection ~~4~~ ***3***, Cap on the Number of Special Permits for Storefront Marijuana Retailers, ***Marijuana Couriers, Marijuana Delivery Operators*** of this section) and any applicable density restrictions (see subsection ***4*** ~~5~~, ***Additional Location Requirements for Marijuana Establishments,*** ~~General Requirements for Marijuana Establishments~~, of this section). Issuance of a special permit must also comply with applicable State and local laws.

2. The location is compliant with Section 4.13 in its entirety.

3. The Board of Appeals is otherwise satisfied that the Marijuana Establishment has the ability to comply with the General Requirements for Marijuana Establishments set forth in Section 4.13, and 4.12 if applicable.

7. Submittal Requirements prior to issuance of a Certificate of Occupancy

The following information shall be provided to the Building Department:

A. Proof that the Brookline Police Department has been provided with the name, phone numbers and email addresses of all management staff, and with access to the facility when it is closed, to enable contact if operating problems should arise.

B. Proof that all security measures required by the special permit have been installed or implemented.

C. Proof that the applicant is compliant with implementing any required transportation mitigation measures.

8. Enforcement

This section of the Zoning By-Law shall be enforced by the Building Commissioner or the Building Commissioner's designee, as may be consistent with law. This Section, 9. Enforcement, shall supersede any conflicting provision of the Zoning By-Laws that would otherwise be applicable to the enforcement of this section.

9. Implementation

This section shall not be implemented in a manner that conflicts or interferes with the operation of M.G.L. c. 94G, 94I or the regulations promulgated thereunder, including 935 CMR 500 or act on anything relative thereto.

Explanation

In December 2020, the CCC amended its regulations to create two new State license types: **(1)** the "Marijuana Delivery Operator" (a marijuana establishment with no storefront presence that sells and delivers marijuana and marijuana products directly to consumers utilizing an on-line platform), and **(2)** the "Marijuana Courier" (which do not sell directly to consumers but partner with marijuana establishments that do so, to effectuate their deliveries to consumers; functionally, the Marijuana Courier is what the CCC regulations formerly termed "Delivery Only" Marijuana Retailers).

The new CCC regulations reserve these two license types to "Economic Empowerment" applicants and "Social Equity Program Participants" at least during the three (3) year period from when the State's first Marijuana Delivery Operator may commence operations.

The new CCC regulations make other changes of lesser significance from a local regulation perspective, including terminology differences in some previously defined terms.

Town staff have developed the foregoing warrant article and an accompanying warrant article proposing General Bylaw changes in order to provide for siting, Select Board licensing, and local regulation of Marijuana Delivery Operators and Marijuana Couriers. The foregoing warrant article proposes caps on the two new license categories that are the same as the cap for the formerly denominated "Delivery Only" Marijuana Retailer (now termed the "Marijuana Courier") and other Marijuana Retailers (since the "Delivery Operator" will, in fact, sell marijuana and marijuana products to consumers). The Town has no experience with either use and, therefore, it seems prudent to establish caps at the outset of permitting/licensing these uses while any community impacts are assessed. As with any Marijuana Establishment applicant for a special permit and Select Board license, these two new types of marijuana businesses will

undergo site plan review through the Planning Department, Planning Board and Zoning Board of Appeals processes, as well as cross-departmental review in connection with determining Select Board license conditions and eligibility for a license.

The foregoing warrant article also proposes to delete a provision for licensing of Medical Marijuana Treatment Centers under an older bylaw (Article 8.34 of the General Bylaws), since NETA was the only entity licensed under it and NETA is now fully licensed pursuant to the existing Article 8.37 instead of under Article 8.34.

The foregoing warrant article proposes to delete regulatory language governing operations and related matters that is duplicative of the language in the Town's General Bylaws. In 2018, the language was inserted into both bylaws because the State marijuana laws was new and it was unclear then which form of regulation the Attorney General's Office would approve. Since then, the regulatory language that was included in both the General and Zoning Bylaws was approved. Therefore, the Planning Department proposes to delete the language from the Zoning Bylaw, since it is more properly included in a General Bylaw (which can be amended more easily to accommodate State regulatory changes and other circumstances).

Both the proposed General Bylaw and Zoning Bylaw amendments propose to amend some definitions in the existing bylaws in order to bring them into greater uniformity with the new CCC terminology.

The foregoing warrant article references licensing of "primary use" versus "mixed use" Social Consumption Marijuana Retailers, now pursuant to a Select Board and not a CCC licensing scheme. The new CCC regulations eliminate the distinction (and instead reference a generic "Social Consumption" license for any establishment selling marijuana for on-premises consumption); therefore, if there is to be a distinction between "primary use" and "mixed use" Social Consumption Marijuana Retailers, it must be maintained locally pursuant to a Select Board licensing scheme, if at all. Currently, the Town does not permit Social Consumption Marijuana Retailers, as the vehicle for permitting them, pursuant to State law, is a Town-wide vote that has not occurred. The foregoing proposes the language change referencing Select Board "primary use" versus "mixed use" licenses solely for purposes of bringing the language into conformity with the current CCC regulations. In the event that efforts begin to legalize Social Consumption Marijuana Retailers within the Town through the legally-required Town-wide vote, this language and the distinction it makes should be revisited. Likewise, the proposed General Bylaw amendments retain the "primary use" and "mixed use" distinction for now, in light of the above.

Use 20D has been added to allow the Marijuana Delivery Operators license. This use is allowed by Special Permit in districts zoned Industrial (I), and Office (O). To support the CCC's mission of prioritizing Social Equity and Economic Empowerment candidates, the maximum limit of 5,000 sf floor area is proposed.

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ARTICLE X

X ARTICLE
Submitted by: Planning and Community Development Department

To see if the Town will:

1) Amend Section 2.04.3 of the Town of Brookline Zoning By-law as follows (deletions appearing in strikeout, new language in underline):

§2.04 – "D" DEFINITIONS

...

3. DWELLING

Dwelling, Attached: A building designed or occupied as a resident and separated from another attached dwelling on one or both sides either by a vertical party wall or walls or by a contiguous wall or walls without side yards.

a. Dwelling, Detached: A building which is designed or occupied as a residence and is substantially separated by side yards from any other structure or structures except accessory buildings.

b. Dwelling, Multiple: A building or structure designed or occupied as a residence by more than three families, but not including groups of attached dwellings; an apartment house.

c. Dwelling, Live/Work Space: A building or any portion thereof containing common work space areas and/or dwelling units measuring no more than 900 square feet in gross floor area per unit that are used by at least one occupant as both their primary residence and primary work/artist studio space, including use 46 (Light Non-Nuisance Manufacturing) and 58A (Home Office) as certified annually by the property owner with the Building Commissioner.

~~d. Dwelling, Age Restricted: A building where all residents are 62 years of age or older. Such units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document in a form reasonably acceptable to Town Counsel that shall be recorded at the Registry of Deeds or the Land Court. Age and occupancy restrictions shall not preclude reasonable, time-limited guest visitation rights or accommodation for caretakers for the primary resident. The age and occupancy restrictions shall be enforceable solely against the violating unit and not the development as a whole, by the owner of one or more dwelling units or by the Town of Brookline. In the event of a violation, and at the request of the Town, the owner of the unit shall comply with the age and occupancy restrictions.~~

~~e. Dwelling, Micro Unit: A building or any portion thereof containing residential units measuring no greater than 500 square feet in gross floor area per unit.~~

~~Buildings containing Micro Units may have flexible common areas for living and/or working.~~

2) Amend Section 4.07, Use 6C and Use 6D of the Town of Brookline Zoning By-law as follows (deletions appearing in strikeout, new language in underline):

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
~~6C. Dwelling, Age Restricted~~ ~~*Permitted by special permit in the I-(EISD) District in accordance with 5.06.4.j.~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No*~~
~~6D. Dwelling, Micro Unit~~ ~~*Permitted by special permit in the I-(EISD) District in accordance with 5.06.4.j.~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No~~	~~No*~~

3) Amend Section 5.06.4.j of the Town of Brookline Zoning By-law as follows (deletions appearing in strikeout, new language in underline):

j. *Emerald Island Special District*

1) The Emerald Island Special District – the area bounded by River Road, Brookline Avenue, and Washington Street – is an area in transition. It has been determined through study by the River Road Study Committee that specific zoning parameters are required to encourage appropriate redevelopment of this district. In developing these zoning parameters, due consideration has been given to the prominent location of this area as a major gateway to Brookline. The proximity of the Muddy River, Emerald Necklace, Longwood Medical Area as well as the differences in the scale of existing buildings, recently permitted and proposed developments, access to transit, and the solar orientation of sensitive nearby uses, including the residences of Village Way and Emerald Necklace Park all combined to shape the Special District parameters. Following a comprehensive study by financial, architecture, urban design and real estate experts, the Committee further concluded that the following concepts related to allowed uses, building heights, building form, parking requirements and the public realm are appropriate for this Special District.

2) Definitions. For the purposes of Section 5.06.4.j, the following terms shall have the listed definitions:

a. Micro Unit Dwelling: A building where a minimum of 50% of residential units measure no greater than 500 square feet in gross floor area. Buildings containing Micro Units may have flexible common areas for living and/or working.

b. Age Restricted Dwelling: A building where all residents are 62 years of age or older. Such units shall be subject to an age restriction described in a deed, deed rider, restrictive covenant, or other document in a form reasonably acceptable to Town Counsel that shall be recorded at the Registry of Deeds or the Land Court. Age and occupancy restrictions shall not preclude reasonable, time-limited guest visitation rights or accommodation for caretakers for the primary resident. The age and occupancy restrictions shall be enforceable solely against the violating unit and not the development as a whole, by the owner of one or more dwelling units or by the Town of Brookline. In the event of a violation, and at the request of the Town, the owner of the unit shall comply with the age and occupancy restrictions.

~~2)~~3) All applications for new structures, outdoor uses, and exterior alterations in the Emerald Island Special District which exceed a floor area ratio of 1.0, a height greater than 40' and/or seek alternative parking and loading zone requirements shall be permitted only on lots greater than 13,600 square feet in contiguous area and only for the uses described in **~~Section 5.06.4.j.3~~** **Section 5.06.4.j.4**, shall be subject to Site Plan Review by the Planning Board as described in **~~Section 5.06.4.j.4~~** **Section 5.06.4.j.5**, shall be subject to the requirements of **Section 5.09**, Design Review, shall obtain a special permit per **Section 9.03**, and shall meet the following requirements:

a. Setbacks and Sidewalk Widths:

i. All buildings shall be setback 10 feet from the mid-district drainage easement as shown in Figure 5.06.4.j.1 below.

ii. All buildings shall be setback 45 feet from the Point of Intersecting Tangents of Brookline Avenue and River Road as shown in Figure 5.06.4.j.2 below.

iii. Notwithstanding **Section 5.01** and other than as provided in **Sections ~~5.06.4.j.2a.i~~ 5.06.4.j.3.a.i** and **~~5.06.4.j.2a.ii~~ 5.06.4.j.3.a.ii**, there shall be no additional setback requirements except as is necessary to achieve the required sidewalk widths for the district. For the purposes of the EISD only, sidewalk shall be defined as the area between the building facade and the face of the curb. The required sidewalk width shall be measured from the ground level of the proposed building facade to the face of the curb at the time of special permit application. All sidewalks shall maintain a minimum 5 foot wide walkway clear from all obstructions, including, but not limited to tree pits, structural columns and street furniture. The minimum sidewalk width along Brookline Avenue and River Road

shall be no less than 12 feet. The minimum sidewalk width along Washington Street shall be no less than 10 feet.

iv. Where it can be demonstrated that achieving the required sidewalk width would be infeasible in limited areas, the Board of Appeals may by special permit reduce the required width of the affected areas to no less than 8 feet on Washington Street and River Road. No relief may be granted for a reduction in sidewalk width along Brookline Avenue. Applicants for a special permit to reduce the width of a sidewalk shall provide written and graphic documentation to the Planning Board illustrating why the required width is not attainable in the affected area. The Planning Board may in an affirmative and written determination make a recommendation to the Board of Appeals to reduce the width of the sidewalk in limited areas. Where relief is granted, applicants shall provide counterbalancing amenities in the form of wider sidewalks and/or landscaping on-site or in the immediate area adjacent to their site, subject to the review and approval of the Planning Board.

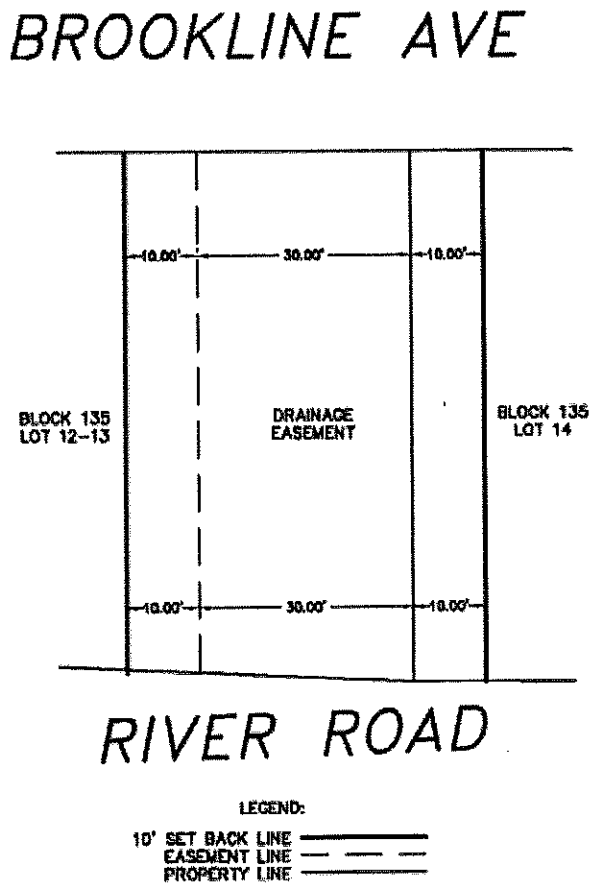


Figure 5.06.4.j.1 Setbacks from Mid-District Drainage Easement

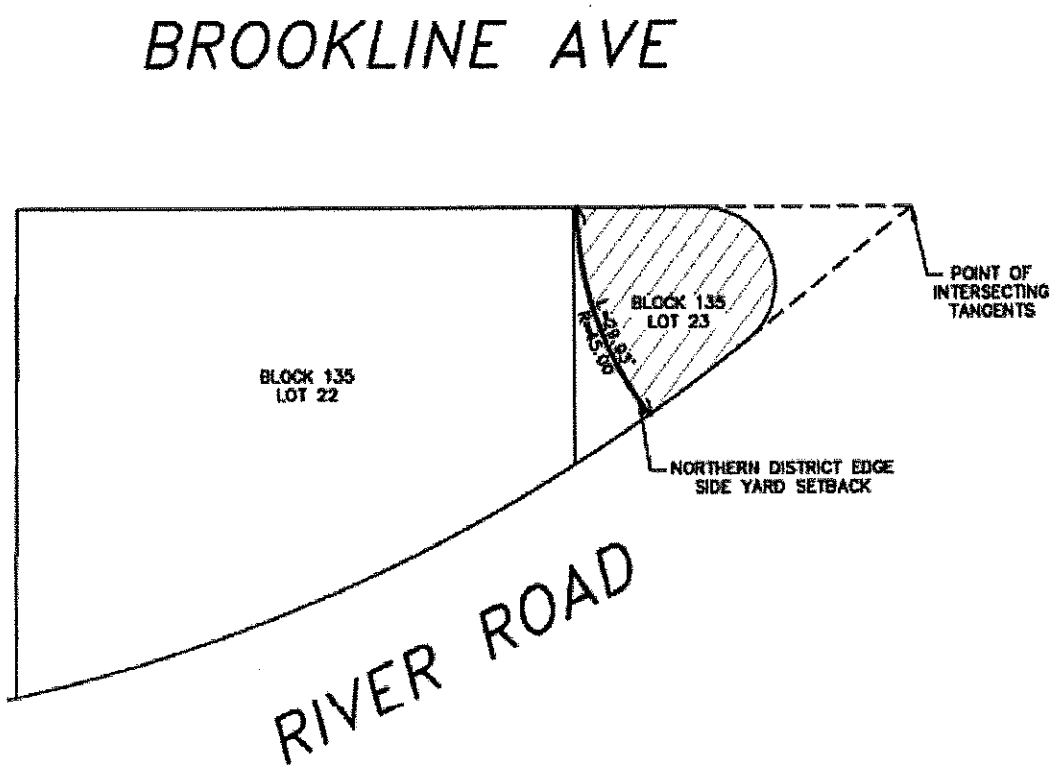


Figure 5.06.4.j.2 Northern District Edge Sideyard Setback

b. The minimum finished floor to floor height for all ground floor levels shall be no less than 15 feet.

c. No permanent on-site parking spaces shall be located on the ground level in the Special District.

d. All new buildings and renovations to existing buildings shall be LEED Silver Certifiable or higher. Applicants shall provide evidence to the satisfaction of the Building Commissioner and Director of Planning and Community Development that all new construction and renovations of existing buildings are LEED Certifiable Silver or a higher rating via the provision of a LEED scoring sheet. The construction or renovation of such buildings consistent with these plans shall be confirmed prior to the issuance of a Certificate of Occupancy.

e. Street trees shall be provided at regular intervals approximately every 25 feet along the sidewalks of Brookline Avenue, Washington Street and River Road. The size, location and species of all trees at the time of planting and the final design of all landscaping in the public way shall be approved by the Director of Parks and Open Space or his/her designee. In circumstances where trees cannot be provided as stipulated above as determined by the Director of Parks and Open Space or his/her designee, the applicant shall provide an equivalent amount of trees and/or landscaping at appropriate locations on the site or make a financial

contribution to the Town in an equivalent dollar amount for similar improvements in adjacent parks and public spaces.

f. The applicant shall devote no less than 1% of the hard construction cost of constructing its project, (including any building, site work, above ground or underground structures, but exclusive of tenant fit-up) to making off-site, streetscape and parks improvements within 500 feet of the Special District boundaries. In addition to review by the Planning Board, a plan of the proposed off-site improvements shall be submitted for the review and approval of the Director of Transportation and the Director of Parks and Open Space or their designees. Alternatively, with the approval of the Director of Transportation and the Director of Parks and Open Space, the applicant may make a financial contribution to the Town in an equivalent dollar amount to be used by the Town for such purposes.

g. Public seating and pedestrian-scale lighting shall be provided at regular intervals. The location, number and design of all seating and lighting in the public way shall be approved by the Director of Parks and Open Space or his/her designee.

h. Notwithstanding the provisions of **Sections 6.06.6** and **6.07**, the number and size of required loading zones may be reduced in accordance with Site Plan Review as noted in **~~Section 5.06.4.j.4~~** **Section 5.06.4.j.5** below.

i. A building shall not have more than 30% of its frontage along a street devoted to residential use including associated lobby use.

j. Any proposed building shall be permitted to have more than one principal use. For example, a restaurant or retail business may be located in the same building as a permitted residential, or office, or hotel use without being considered an accessory use.

~~3)~~4) Exceptions to Maximum FAR and Maximum Height

a. Additional height may be granted by special permit up to 85 feet for buildings primarily containing Micro Unit Dwellings, Age Restricted Dwellings or ~~only~~ the following uses: 6B (Dwelling, Live/Work Space); ~~6C (Dwelling, Age Restricted); 6D (Dwelling, Micro Unit)~~ 8 (Hotel); 8A (Limited Service Hotel); 20 (Medical Office); 21 (Professional Office); 29 (Store less than 5,000 SF), 30 (Eating Place less than 5,000 SF); 33 (Stores not exceeding 10,000 SF); 33a (Stores over 10,000 SF); 34 (Place for the sale and consumption of food and beverages exceeding 5,000 SF); 66 (Accessory Laboratory), only for buildings located a minimum of 189.12 feet from the intersection of Washington Street and Brookline Avenue, provided that the footprint of any building mass above a height of 65 feet covers no more than 55% of the lot area. Buildings may also contain Principal Uses 18A (Small Group Health/Fitness), 20a (Licensed Veterinarian), and 32 (Service Business) provided that such uses occupy no more than 25% of the building. The required 189.12 foot distance from the intersection of Washington Street and Brookline Avenue shall be measured from the Point of Intersecting Tangents as show in Figure 5.06.4.j.3 below.

b. Additional height of up to 110 feet may be granted by special permit for buildings containing only the following uses: 8 (Hotel) and 8A (Limited Service Hotel) and only for buildings with frontage on Washington Street provided that the footprint of any building mass covers no more of the lot area than is specified in Table 5.06.4.j.1 and as depicted in Figure 5.06.4.j.4 below. Where an applicant can demonstrate that additional lot coverage for any building mass above 35 feet would result in an improved building design, the Board of Appeals may by special permit grant an increase in the maximum percentage of lot coverage as shown in Table 5.06.4.j.1 below. Applicants for a special permit to increase the maximum percentage of lot coverage shall provide written and graphic documentation to the Planning Board and Design Advisory Team illustrating how the building design has improved. The Planning Board may in an affirmative and written determination make a recommendation to the Board of Appeals to increase the maximum percentage of lot coverage as shown in Table 5.06.4.j.1 below. The Design Advisory Team shall provide a similar affirmative written recommendation.

Table 5.06.4.j.1 Maximum % Lot Area Coverage by Building Height

Building Mass Heights	Maximum % Lot Area Coverage	Maximum % Lot Area Coverage By Special Permit with Planning Board Recommendation
0 up to 15'	80%	N/A
15' up to 35'	92%	N/A
35' up to 50'	80%	85%
50' up to 75'	75%	80%
75' up to 110'	50%	55%

4~~)~~5) Site Plan Review

a. All applications for new structures shall be subject to site plan review by the Planning Board to: ensure that there is adequate provision of access for fire and service equipment; ensure adequate provision for utilities and storm water storage and drainage; ensure adequate provision of loading zones; ensure adequate provision of parking; minimize impacts on wetland resource areas; minimize storm water flow from the site; minimize soil erosion; minimize the threat of air and water pollution; minimize groundwater contamination from on-site disposal of hazardous substances; maximize pedestrian and vehicle safety; screen parking, storage and outdoor service areas through landscaping or fencing; minimize headlight and other light intrusion; ensure compliance with the Brookline Zoning By-Laws; maximize property enhancement with sufficient landscaping, lighting, street furniture and other site amenities; minimize impacts on adjacent property associated with hours of operation, deliveries, noise, rubbish removal and storage. All plans and maps submitted for site plan

review shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts. Pursuant to the site plan review process, applicants shall provide to the Planning Board and the Director of Engineering a site plan showing:

i. Property lines and physical features, including roads, driveways, loading areas and trash storage for the project site;

ii. Proposed changes to the landscape of the site, grading, vegetation clearing and planting and exterior lighting.

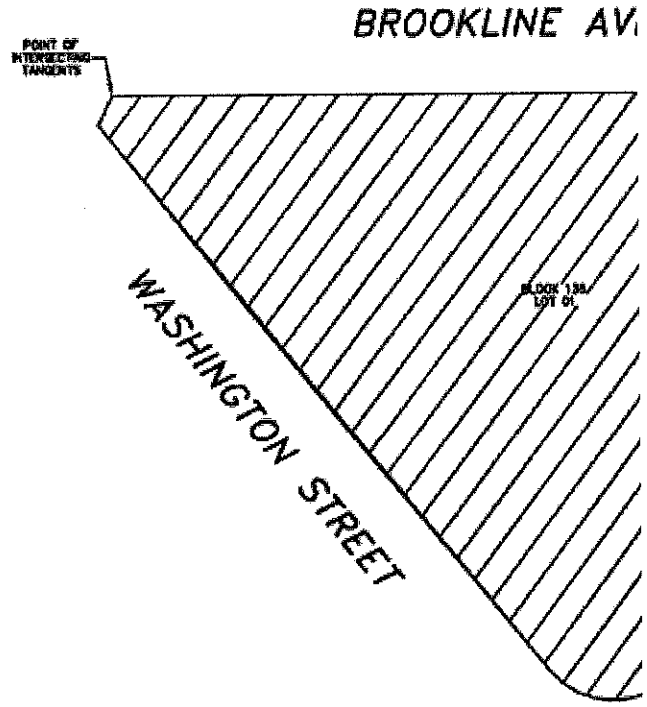


FIGURE 5.06.4.j.3 Required Distance from Washington Street

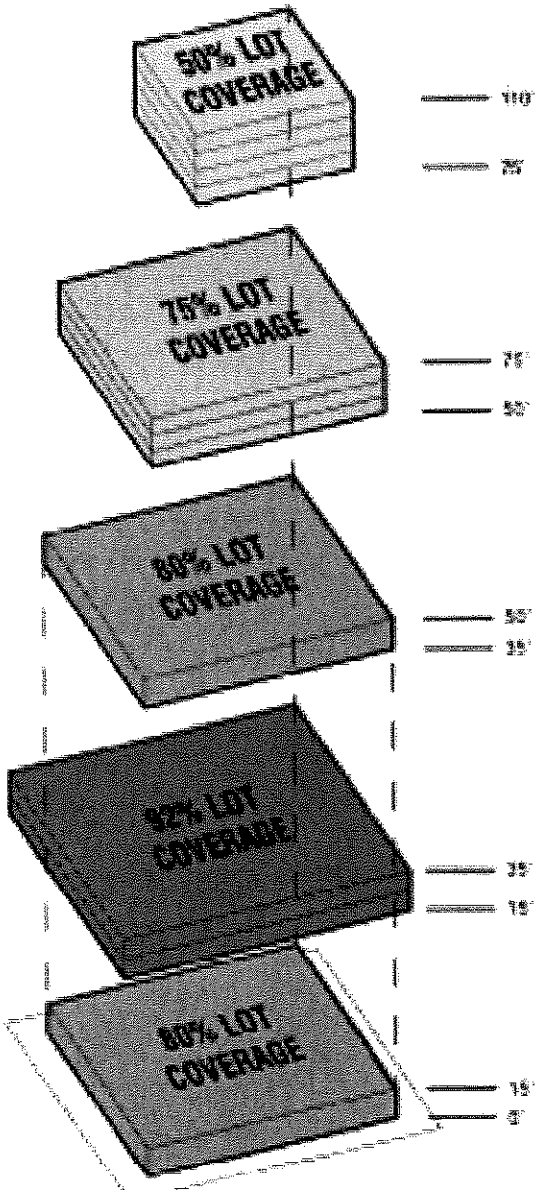


FIGURE 5.06.4.j.4 Maximum % Lot Coverage by Building Height

~~5)~~6) Parking and Vehicular Requirements:

a. Notwithstanding **Section 6.02**, there shall be no minimum parking requirements for the following uses and such uses shall have the maximum parking limits noted in Table 5.06.4.j.2 below.

b. Notwithstanding the above, where it can be demonstrated that additional parking is needed, the Board of Appeals may by special permit increase the maximum parking ratio by no more than 20%. Applicants for a special permit to increase the maximum parking ratio shall provide written documentation to the Planning Board demonstrating the need for additional parking. The Planning Board may in an affirmative and written determination make a recommendation to the Board of Appeals to increase the maximum parking ratio by no more than 20%.

c. Notwithstanding the above, dedicated spaces for Car Sharing Organizations (CS0) may be provided without regard to such maximum parking limits. If such dedicated parking spaces are not leased by any CSO they shall be dedicated to bicycle parking and appropriate bicycle parking hardware shall be provided.

Table 5.06.4.j.2 - Maximum Parking Limits

USE	MAXIMUM PARKING
~~Principal Use 6B (Dwelling, age restricted)~~ Age Restricted Dwelling	1.25 per unit
Principal Use 6~~C~~B (Live/Work space)	0.50 per unit
~~Principal Use 6D (Dwelling, Micro Unit)~~ Micro Unit Dwelling	0.50 per unit

Principal Use 8 (Hotel) and 8a (Limited Service Hotel)	0.40 per room
Principal Uses:	
18A (Small group health/fitness); 20 (medical office); 20a (Licensed veterinarian); 21 (professional office); 29 (store less than 5,000K SF); 30 (Eating places less than 5,000K SF); 32 (Service use business); 33 (Stores not exceeding 10,000K SF); 33a (Stores over 10,000K SF); 34 (Place for sale and consumption of food not exceeding 5,000K SF); 66A (Accessory Laboratory)	1.50 per 1,000 SF

~~6)~~7) Design Standards:

a. Building facades parallel to or within 45 degrees of parallel to any property line shall be designed and constructed with equal care and quality. Visual articulation shall be achieved for each facade by (a) employing variations in materials and/or ensuring that no portion of any such facade is coplanar or unbroken for more than 3,500 square feet without a change in depth of 2 feet or more, or (b) utilizing alternative methods of vertical or horizontal articulation, or (c) 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 the reasons expressed in such written determination. The Planning Board and the Board of Appeals shall provide a similar written determination and reasons with respect to facade design. During their review of all proposed building designs, both the Design Advisory Team and Planning Board shall consult the Emerald Island Special District Design Guidelines developed by the River Road Study Committee for guidance on general exterior massing, scale and design.

b. In order to minimize visual and audible impacts, all rooftop mechanical equipment shall be insulated and screened to the greatest extent possible from all public ways via substantial screening materials and/or shall be located in the interior of the building. Additionally, all rooftop mechanical equipment shall be located such that all shadow impacts are minimized.

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

Background

At the 2016 Special Town Meeting, Warrant Article 7 was approved. The article established the Emerald Island Special District which aimed to encourage mixed-use development within the boundaries of the district. Some of the uses that the article aimed

to encourage included three residential uses: Micro Unit Dwellings, Age Restricted Dwellings, and Live/Work Space Dwellings. The Article created new definitions and use categories for these three residential uses and, within the District, they received special benefits (notably, a reduction in parking requirements). The aim was to incentivize property owners to include such residential units in any new buildings and thereby provide desirable housing for seniors and young professionals in a particularly urbanized section of town. Unfortunately, Warrant Article 7 was inadvertently drafted in such a way as to prohibit the three new residential categories in every other zoning district. Naturally, age-restricted dwelling units and particularly small units are not unusual in Brookline and exist in many existing buildings. The inadvertent prohibition of these dwelling units was identified as part of the discussions surrounding a proposed warrant article (Article 27 regarding micro units) for the Fall 2020 Special Town Meeting, and it was agreed by Town Meeting that the issue should be resolved by the Planning and Community Development Department for the next session of Town Meeting.

Purpose and Effect

The purpose of this warrant article is to allow the by-right construction of small housing units (Micro Unit Dwellings) and age-restricted units throughout town. This warrant article accomplishes this by (1) eliminating the definitions and use table categories for "Micro Unit Dwellings" and "Age-Restricted Dwellings" from the Zoning By-law and (2) making amendments to Section 5.06.4.j (the Emerald Island Special District) to reintroduce those categories for the purposes of that section only.

1) By eliminating from the definitions and use table any references to micro unit dwellings and age-restricted dwellings, such units would fall under other "dwelling unit" categories (Uses 1-6) and be permitted in a manner consistent with the building typology in which they are located. For example, a unit with 400 square feet (a micro unit) located in a multifamily building would be treated no differently than other multifamily units and a unit with 400 square feet in a two-family building would be treated no differently than other units in two-family buildings. The same goes for age-restricted dwelling units.

2) The Emerald Island Special District contains special provisions for micro unit dwellings and age-restricted dwellings. To preserve those special provisions, this article reintroduces the definitions for Micro Unit Dwellings (with some adjustments, see below) and Age-Restricted Dwellings into Section 5.06.4.j but stipulates that the terms and their definitions are for the purposes of that section only.

This warrant article seeks to simply copy the existing definitions for micro unit dwellings and age-restricted dwellings and relocate them into the Emerald Island Special District section of the Zoning By-law. However, because of confusion surrounding the existing definition for micro unit dwellings, that definition has also been adjusted to make it consistent with the Building Commissioner's initial interpretation of the existing definition.

Finally, due to the insertion of a new paragraph 2 into Section 5.06.4.j, numbering for the following paragraphs in the Section (and references to such paragraphs) have been adjusted accordingly.

It should be noted that Town Meeting may be inclined to, in the future, amend the Zoning By-law to include provisions that apply specifically to micro units or age-restricted units (such as a reduction in the minimum parking requirements). If that were the case, the recommended course of action would be to define the terms under Section 2, Definitions of the Zoning By-law and then refer to those terms in the new provision.

SELECT BOARD'S RECOMMENDATION

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

Town of Brookline
Massachusetts

Department of Planning and Community Development

Town Hall, 3rd Floor
333 Washington Street
Brookline, MA 02445-6899
(617) 730-2130 Fax (617) 730-2442
ASteinfeld@brooklinema.gov

Alison C. Steinfeld
Director

TO:	Select Board
FROM:	Alison Steinfeld, Planning Director
	Polly Selkoe, Assistant Director for Regulatory Planning
SUB:	Warrant Article 18—116 Colchester and 295 Kent Streets
DATE	April 9, 2021

In response to questions that arose during the Select Board's April 6th meeting relative to 116 Colchester Street and 295 Kent Street within the context of Warrant Article 18, the following represents a preliminary zoning analysis of said properties.

Facts

SC-7 zone
Combined, the two properties total 1 acre
Both properties are under single ownership
See attached plot plan

Allowed Uses

- Two single-family homes as-of-right (one on each existing parcel)
- Each existing house could be converted to a two-family structure; however a Special Permit may be needed for setbacks.
- The combined property could be subdivided into six lots, assuming each lot could have at least a 25-foot frontage (recognizing that "pork chop" lots are allowed). Each newly-created lot could house a single-family home.
- Under Cluster Zoning, the combined property could support six units, with an additional unit allowed if certain criteria are met. This would allow for various combinations of re-using the existing buildings plus building new units. (The property would need to remain under one ownership.) *See attached plot plan.*
- A non-profit educational use would be allowed under the Dover amendment, pre-empting zoning.
- A 40B affordable housing development would be allowed, pre-empting zoning.

116 Colchester and 295 Kent Street

Zoning District: SC-7
Area Requirement: 7,000 sq ft
Frontage Requirement: 25 ft

	Lot 1	Lot 2	Lot 3	Lot 4	Lot 5	Lot 6
Approx. Area (square feet)	7,300	7,200	7,300	7,500	7,300	8,000
Approx. Frontage (feet)	36	36	36	37	36	190

Report of the Preservation Commission to Extend the Boundaries of the Lawrence Local Historic District Spring 2021

At its meeting on December 8, 2020, the Preservation Commission received a petition signed by a group of neighbors, who live on Kent Street, requesting that their neighborhood be included in the Lawrence Local Historic District, established in 2011. The genesis of the petition was the continued development pressure along Kent Street, specifically the proposed demolition of two historically significant buildings at 116 Colchester and 295 Kent Street in August 2020. The Commission voted to act as the study committee for the proposal and to work with a consultant, neighbors, and preservation planners on a preliminary study report, as required by M.G.L. Chapter 40C.

A preliminary study report was prepared by consultant Shantia Anderheggen which describes the historical, architectural, and cultural significance of the residential neighborhood that includes parts of Kent Street and Colchester Street. The proposed extension adds seven properties to the district, including 116 Colchester Street, 282, 287-289, 288, 294, 295 and 300 Kent Street. All seven properties are listed in the Longwood National Register District. The variety of style buildings date between ca. 1870 and ca. 1935 and include Second Empire (or Mansard), Colonial Revival, Victorian, and Tudor Revival styles. The area represents the later 19th century style of property development as well as the type of speculative property development and subdivision of larger estate properties that began to occur in the first few decades of the 20th century, and accelerated in the mid-century in Brookline.

Based on the conclusions in the report, the Brookline Preservation Commission voted at its December 29, 2020 meeting to accept the preliminary study report for submission to the Massachusetts Historical Commission (MHC) and the Brookline Planning Board as required by M. G. L. Chapter 40C. It was accepted on December 30, 2020.

At the Public Hearing held on Monday, March 1, 2021, to satisfy the requirements of Chapter 40C, the Commission voted to accept the preliminary study report as final. Additionally, a neighborhood representative provided updated numbers of property owner support, which is 93%, with one owner remaining neutral, and none in opposition. Lastly, at its March 1, 2021 public hearing, the Preservation Commission voted to submit a warrant article to Spring 2021 Town Meeting for the proposed extension of the Lawrence Local Historic District.

Under Article 5.6, Preservation Commission and Historic Districts By-law of the Town By-laws, any proposed local historic district or changes in boundaries must be approved by a two-thirds vote of Town Meeting. There are currently eight local historic districts in Brookline: Cottage Farm, established in 1979; Pill Hill, established in 1983; Graffam-McKay established in 2004; Harvard Avenue established in 2005; and Chestnut Hill North established in 2005; Lawrence established in 2011; Wild-Sargent established in 2012; and Crowninshield in 2015.

Lawrence Local Historic District

To see if the Town will amend Article 5.6.3 (f) of the Town's General By-Laws, entitled Preservation Commission & Historic Districts By-Law, by adding the **bold faced** text and by deleting the ~~strikethrough~~ text:

(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~~ **are** shown on the map entitled "Lawrence Historic District **as Extended**", 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 **and which supersedes the map entitled "Lawrence Historic District."**

or act on anything relative thereto.

21 MAR 2 AM 10:24

Lawrence LHD As Extended

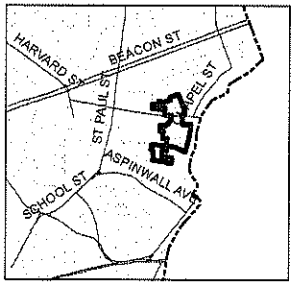
Town of Brookline
Massachusetts

- Lawrence LHD As Extended
- Building Footprints
- Property Lines
- Street Edges
- Town Boundary

Data Sources

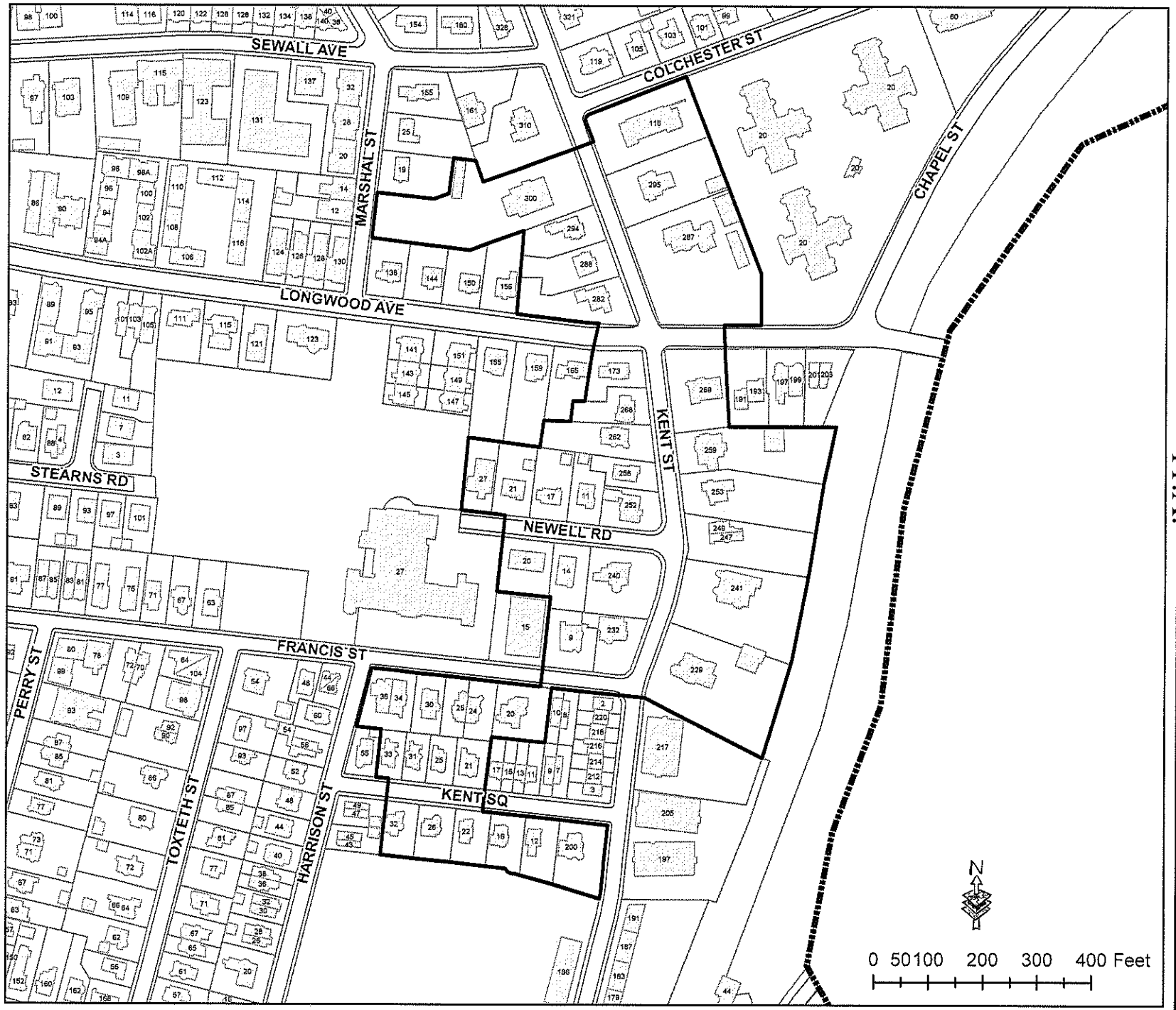
The information shown on this map is from the Brookline Geographic Information System(GIS) database

Locus Map



BROOKLINE GIS
"Mapping Our Community"

Map created by Brookline GIS on: 3/1/2021



11.A.

11.A. ROGER BLOOD - bloods@rcn.com

PETITION TO SUBMIT A WARRANT ARTICLE FOR THE 2021 ANNUAL TOWN MEETING

To see if the Town will amend Section 4.08 of the Brookline Zoning Bylaw (Inclusionary Zoning) as further detailed below.

'21 MAR 1 AM 11:29

	PRINT NAME	SIGNATURE	ADDRESS	PRECINCT
1	ROGER BLOOD		69 Cleveland Road	13
2	STEVEN HEIKIN		57 HARRIS RD.	7.
3	MICHAEL JACOBS		41 COOLIDGE ST.	9
4	RITA K. McNALLY	Rita K. McNally	230 St. Paul St.	2
5	PAM Goodman		28 RAWSON Rd	12
6	Jonathan Klein		150 St. Paul #406	10
7	AMY SCHOTTENFELS		150 St. Paul #406	10
8	LINDA HAMLIN		6 WELLINGTON TERR	5
9	DAVID HAMLIN	David Hamlin	6 WELLINGTON TERR	5
10	JOHN DOGGETT		8 Pennimon Rd	13
11	JENNIFER DOGGETT		8 Pennimon Rd	13
12	Jennifer Raitt		2 Harvard Sq #1	4
13	John Freeman	John Freeman	530 Clinton Rd	13
14	Heather Hamilton	Heather Hamilton	75 Longwood Ave #3F	3

Para. 2.c: Definitions, AFFORDABLE UNIT

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 low or moderate income household; 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 set at 10 percentage points less than the applicable income limit 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.~~

pp. 1 of 2 cont'd →

Article __

Proposed Amendment to Zoning Bylaw Section 4.08 (Inclusionary Zoning)

EXPLANATION

The proposed Bylaw amendment is intended to achieve the following objectives:

1. To modify the Town's Bylaw definition of "Affordable Unit" so that it aligns with the State's Local Initiative Program (LIP) affordable housing regulations. These regulations determine eligibility for inclusion on the state's Chapter 40B Subsidized Housing Inventory (SHI). This technical change aligns the Town's by-law to the state's method of determining eligible household size for specific unit sizes and setting monthly rents such that they do not exceed 30% of the target household's monthly income.

2. To differentiate between rental and owner-occupied affordable housing in terms of the range of qualifying household incomes that are served. Under the present Bylaw, there is no such differentiation between household incomes that are served by rental versus owner-occupied affordable units. Under the proposed by-law, affordable rental units will serve households whose range of eligible incomes will be lower than the range of targeted incomes for affordable ownership units.

3. To authorize the targeting of required affordable units, both rental and owner-occupied, to low-and moderate-income households whose incomes fall within different affordability ranges, and to do so in such a manner that the compliance costs to the developer are generally equivalent irrespective of which income range of affordability is targeted. When a developer produces affordable units that serve households having higher than the minimum range of targeted incomes, the developer will be required to pay a supplemental fee into the Town's Housing Trust (see more detail below).

Current Bylaw

Under the existing Zoning Bylaw Section 4.08 (Affordable Housing Requirements), new residential projects of 20+ units must include on-site affordable units. A minimum of 15% of all new units in the development must be affordable to low- and moderate-income levels as defined in the Bylaw.

As long as the Town continues to have less than 10% of its total housing stock listed on the state's Chapter 40B Subsidized Housing Inventory (SHI), the current Bylaw mandates that 2/3 of the 15% onsite affordable units must serve households with incomes not exceeding 80% of Area Median Income (AMI). The remaining 1/3 of the affordable units may serve households

with incomes exceeding 80% AMI up to 100% AMI. In the current Bylaw this 2/3-1/3 affordable unit requirement relating to household income limits applies equally to both rental and ownership projects.

Proposed Bylaw Amendment

In anticipation of the Town soon reaching and exceeding the Chapter 40B 10% threshold and the expiration of the Bylaw's existing income limits, the proposed warrant article would replace the current income limits. All future projects subject to Inclusionary Zoning would be able to serve a wider range of household incomes, with affordable rental units being targeted more to lower income households and affordable ownership units targeted more to moderate income households as follows:

1. Rental Units: 15% of the units will be required to serve households earning up to 50% of AMI. If the developer wishes to have the affordable rental units serve an income tier greater than 50% of AMI but not exceeding 100% of AMI, the developer will be required to pay an additional fee to the Housing Trust based on the overall value of the property as certified by the Town Assessor. The Guidelines will provide further details and examples on how the fee will be calculated.

2. Ownership Units: 15% of the units will be required to serve households earning up to 80% AMI. If the developer wishes to serve an income tier higher than 80% AMI (either 100% or 120% AMI), an additional fee based on the sales prices of all ownership units will be payable to the Housing Trust. The Guidelines will provide further details and examples on how the fee will be calculated.

Under both the existing and proposed amended Bylaw, for projects having 4 to 19 units, the developer has the option of paying a lump sum fee to the Affordable Housing Trust in lieu of producing the required onsite affordable units. Should the developer choose to produce onsite affordable units in such smaller projects, all the new income targeting and supplementary fee requirements contained in the proposed Bylaw amendment will apply as in projects containing 20 or more units.

How will the supplemental fee be calculated?

The supplemental fee will allow developers to provide affordable units for different income categories within the permissible range of low-to-moderate household incomes while not benefitting financially from providing affordable units for moderate-income vs. lower-income households.

To achieve this purpose, the supplemental fee will be set at an amount that will offset the value of the added income the developer would receive, for example, from affordable unit rents to households having moderate incomes at 80% of Area Median versus the lower rents that would be received from households with incomes at 50% of Area Median.

In order to validate this re-targeting of affordable household incomes, including the setting of supplemental fees that are sufficient, but not so excessive as to make development infeasible, the Housing Advisory Board engaged an independent consultant, Pam McKinney of Byrne McKinney Associates, with expertise in real estate markets and finance. Using a financial model, the consultant developed applicable percentage rates to charge, consistent with the purposes of this Article for both rental and owner-occupied inclusionary zoning projects.

In addition, the consultant used her financial model to confirm that the higher developer costs associated with this amendment will strengthen the Bylaw's affordable housing requirements without imposing such high costs as to render new housing development financially infeasible.

For rental projects with affordable units for households with incomes exceeding 50% AMI: The Supplemental fee will be based upon the market value of the residential portion of the project at the time of initial occupancy. Payment of the supplemental fee to the Trust will be a precondition to the Town's issuance of a certificate of occupancy for the project.

The fee required from a developer will be based upon the following formula:

Project Value x Applicable Percentage Rate

For ownership projects with affordable units for households with incomes exceeding 80% AMI: At the time of initial sale of each condominium unit in the project, the fee required from a developer shall be based upon the following formula:

Unit Sales Price x Applicable Percentage Rate

For both rental and ownership units, in instances where the supplemental fee is charged, the Applicable Percentage Rate will be determined from a table contained in the Guidelines. The amount of the Applicable Percentage Rate will conform with the methodology and recommendations of the consultant.

FW: Article 35 vote

Melissa Goff <mgoff@brooklinema.gov>
Tue 4/13/2021 10:12 AM
To: Devon Fields <dfields@brooklinema.gov>

1 attachments (691 KB)
35 SC AMENDED WITH CHANGES.pdf;

See AC vote on Article 35 (not attachment, but highlighted language).

From: Lisa Portscher <lportscher@brooklinema.gov>
Sent: Tuesday, April 13, 2021 10:09 AM
To: Melissa Goff <mgoff@brooklinema.gov>
Cc: Mike Sandman <msandman@brooklinema.gov>; Carla Benka <rcvben@earthlink.net>
Subject: RE: Article 35 vote

Hi Melissa,

I believe the language voted is what was offered by the Schools Subcommittee.
Copying Mike and Carla for their confirmation.
Ultimately the vote was to refer to a Select Board Committee.
A MOTION was made and seconded that the subject matter be referred to a Select Board Committee with a report by May 2022 Town Meeting. By a VOTE of 18-5-2 the motion carries.

Be well,

Lisa

From: Melissa Goff
Sent: Tuesday, April 13, 2021 8:19 AM
To: Lisa Portscher
Subject: Article 35 vote

Can you send me the language voted on Article 35?

Thanks,
Melissa

Melissa Goff, Deputy Town Administrator
She/Her/Hers
Town Hall, 6th Floor
333 Washington St.
Brookline, MA 02445
(617) 730-2205 (617) 730-2054 (fax)
www.brooklinema.gov

ARTICLE X-A Resolution to Encourage Voting in Brookline

Submitted by: Anthony Ishak, Deborah Brown TMM-1, Bettina Neuefeind TMM-1, Kate Silbaugh TMM-1, Amanda Zimmerman, Michael Zoorob

To see if the Town adopts the following resolution:

WHEREAS, approximately 51% of Brookline residents rent; and

WHEREAS, approximately 18% of Brookline residents voted in the 2020 Town election and

WHEREAS, renters vote at lower rates compared with homeowners; and

WHEREAS, voter registration applications are restricted to limited locations that may be difficult to access; and

WHEREAS, renters are registered to vote at a lower percentage as compared with homeowners; and

WHEREAS, renters have a vested interest in elections and particularly local elections that impact policies applicable to them; and

WHEREAS, voting promotes inclusivity to disadvantaged populations; and

WHEREAS, Massachusetts allows eligible citizens to register to vote in person at a number of public facilities including town halls, via mail in registration form, or online if the Registry of Motor Vehicles has their signature on file; and

WHEREAS, the Election Department requires Brookline residents changing addresses or people moving into the Town from another municipality to update their registration to remain an eligible voter; and

WHEREAS, the Town of Brookline is committed to making it easier for eligible residents to vote by considering all novel means to increasing access; and

WHEREAS, a cornerstone of the Town form of government is full participation by a majority of residents; and

WHEREAS, increasing voter access is not a costly endeavor as compared to the gains associated with full enfranchisement for renters;

THEREFORE BE IT RESOLVED THAT:

1. The Town of Brookline will promote voting by providing mail-in voter registration forms at all Town buildings regularly accessed by the public (including but not limited to: Town Hall, libraries, Brookline Public Housing properties, fire stations, police stations, and schools). It will also work with the Brookline Housing Authority (BHA) to ensure that its residents have easy access to voter registration forms.
2. The Town of Brookline will promote voting by including mail-in voter registration forms with the Annual Town Census.
3. The Town of Brookline will promote voting by providing absentee ballot applications with stamped envelopes at all Town buildings regularly accessed by the public (including but not

limited to: Town Hall, libraries, fire stations, police stations, and schools). The Town Clerk will work with BHA to identify locations for absentee ballot applications with stamped envelopes.

4. The Town of Brookline will ensure that it has ample multilingual materials at all voter registration sites, including online, and at polling stations by April 2022.
5. The Town of Brookline will send non-partisan robocalls and use social media to remind voters to cast ballots on Election Day beginning in May 2022.
6. Be it further resolved that the Office of the Town Clerk shall conduct a geo-spatial study of ways to increase the registration of new eligible voters as well as improve rates of election participation and report findings and recommendations by January 31, 2022 and implement by December 31, 2022.

   That study will take into account the collection of voting data available to the Town; availability and distribution of voter registration materials; utilization of census mailings for the distribution of voting-related materials; the need for multi--lingual registration and voting materials; increasing citizen opportunities for ballot drop-off; and the use of social media and other communications to promote such citizen participation—and the costs associated with such improvements. The Office of the Town Clerk will also report on the need for, and cost of, a scientific study of voting registration and voting patterns in Brookline.

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ARTICLE X-A Resolution to Encourage Voting in Brookline

Submitted by: Anthony Ishak, Deborah Brown TMM-1, Bettina Neuefeind TMM-1, Kate Silbaugh TMM-1, Amanda Zimmerman, Michael Zoorob

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WHEREAS, voter registration applications are restricted to limited locations that may be difficult to access; and

WHEREAS, renters are registered to vote at a lower percentage as compared with homeowners; and

WHEREAS, renters have a vested interest in elections and particularly local elections that impact policies applicable to them; and

WHEREAS, voting promotes inclusivity to disadvantaged populations; and

WHEREAS, Massachusetts allows eligible citizens to register to vote in person at a number of public facilities including town halls, via mail in registration form, or online if the Registry of Motor Vehicles has their signature on file; and

WHEREAS, the Election Department requires Brookline residents changing addresses or people moving into the Town from another municipality to update their registration to remain an eligible voter; and

WHEREAS, the Town of Brookline is committed to making it easier for eligible residents to vote by considering all novel means to increasing access; and

WHEREAS, a cornerstone of the Town form of government is full participation by a majority of residents; and

WHEREAS, increasing voter access is not a costly endeavor as compared to the gains associated with full enfranchisement for renters;

THEREFORE BE IT RESOLVED THAT:

1. The Town of Brookline will promote voting by providing mail-in voter registration forms at all Town buildings regularly accessed by the public (including but not limited to: Town Hall, libraries, Brookline Public Housing properties, fire stations, police stations, and schools). It will also work with the Brookline Housing Authority (BHA) to ensure that its residents have easy access to voter registration forms.
2. The Town of Brookline will promote voting by including mail-in voter registration forms with the Annual Town Census.
3. The Town of Brookline will promote voting by providing absentee ballot applications with stamped envelopes at all Town buildings regularly accessed by the public (including but not

limited to: Town Hall, libraries, fire stations, police stations, and schools). The Town Clerk will work with BHA to identify locations for absentee ballot applications with stamped envelopes.

4. The Town of Brookline will ensure that it has ample multilingual materials at all voter registration sites, including online, and at polling stations by April 2022.
5. The Town of Brookline will send non-partisan robocalls and use social media to remind voters to cast ballots on Election Day beginning in May 2022.
6. Be it further resolved that the Office of the Town Clerk, upon the appointment or election of a new Town Clerk, shall undertake responsibility for a geo-spatial study of ways to increase the registration of new eligible voters as well as improve rates of election participation and report findings and recommendations at the 2022 Annual Town Meeting.

That study will take into account the collection of voting data available to the Town; availability and distribution of voter registration materials; utilization of census mailings for the distribution of voting-related materials; the need for multi--lingual registration and voting materials; increasing citizen opportunities for ballot drop-off; and the use of social media and other communications to promote such citizen participation—and the costs associated with such improvements. The Office of the Town Clerk will also report on the need for, and cost of, a scientific study of voting registration and voting patterns in Brookline.

~~6. The Town of Brookline will conduct a geospatial voter registration and voting patterns study to find areas where voter registration and voter turnout is low and groups are under-represented. It will produce a set of recommendations to increase voter participation among these underrepresented groups by January 31, 2022 and implement the recommendations by December 31, 2022.~~

~~Or act on anything relative thereto.~~

~~PETITIONER'S ARTICLE DESCRIPTION~~

~~The objective of this resolution is two-fold:~~

~~1. To increase Brookline's registered voter rate in our Town leading to increased participation at elections of all levels. Many residents do not have easy access to application forms given technology or location barriers. In fact last year there were an insufficient number of voting registration forms for residents of Brookline Public Housing. Brookline also has a high renter rate (nearly 50%) which makes it susceptible to having residents that frequently change addresses and are less likely to register to vote or vote with the current set-up.~~

~~2. To increase our local election participatory rate (recently ranging 6-26% since 2016 as per a 6/10/20 Patch article https://patch.com/massachusetts/brookline/brookline-town-election-turnout-less-18-percent). In 2020 with special dispensation there was an increase in voters using the mail-option to vote for the general election. This could also potentially increase the voting rate for those historically under represented (such as renters who vote at a rate of ~1/3 of homeowners) by increasing access to absentee voting.~~

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Signature	Printed Name	Address	Precinct

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