



WARRANT
THE COMMONWEALTH OF MASSACHUSETTS
TOWN OF BROOKLINE
SPECIAL TOWN MEETING

Norfolk, ss

To Any Constable of the Town of Brookline

Greetings:

In the name of the Commonwealth of Massachusetts, you are hereby required to NOTIFY and WARN the Inhabitants of the TOWN OF BROOKLINE, qualified to vote at elections to meet at the High School Auditorium in said Brookline on TUESDAY, the NINETEENTH day of NOVEMBER, 2013 at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

Submitted by: Board of Selectmen

To see if the Town will, in accordance with General Laws, Chapter 44, Section 64, authorize the payment of one or more of the bills of previous fiscal years, which may be legally unenforceable due to the insufficiency of the appropriations therefor, and appropriate from available funds, a sum or sums of money therefor.

Or act on anything relative thereto.

ARTICLE 2

Submitted by: Human Resources

To see if the Town will raise and appropriate, or appropriate from available funds, a sum or sums of money to fund the cost items in collective bargaining agreements between the Town and various employee unions; fund wage and salary increases for employees not included in the collective bargaining agreements; and amend the Classification and Pay Plans of the Town.

Or act on anything relative thereto.

ARTICLE 3

Submitted by: Board of Selectmen

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2014 budget or transfer funds between said accounts;

B) And determine whether such appropriations shall be raised by taxation, transferred from available funds, provided by borrowing or provided by any combination of the foregoing; and authorize the Board of Selectmen, except in the case of the School Department Budget, and with regard to the School Department, the School Committee, to apply for, accept and expend grants and aid from both federal and state sources and agencies for any of the purposes aforesaid.

Or act on anything relative thereto.

ARTICLE 4

Submitted by: Thomas Vitolo

To see if the Town will amend the General By-laws, Article 8.23, Tobacco Control as follows (language to be deleted appears as a strike-out and new language is underlined):

**ARTICLE 8.23
TOBACCO CONTROL**

SECTION 8.23.1 PURPOSE

In order to protect the health, safety and welfare of the inhabitants of the Town of Brookline, including but not limited to its younger population, by restricting the sale of and public exposure to ~~of~~ tobacco products known to be related to various and serious health conditions such as cancer, this by-law shall limit and restrict the sale of and public exposure to Tobacco Products within the Town of Brookline.

SECTION 8.23.2 DEFINITIONS

- a. Tobacco - Cigarettes, cigars, snuff or tobacco in any of its forms.
- b. Smoking - Lighting of, or having in one's possession any lighted cigarette, cigar, pipe or other tobacco product.
- c. Tobacco Vending Machine - A mechanical or electrical device which dispenses tobacco products by self service, with or without assistance by a clerk or operator.
- d. Minor - A person under nineteen years of age.
- e. Employee - A person who performs work or services for wages or other consideration.
- f. Employer - A person, partnership, association, corporation, trust or other organized

group, including the Town of Brookline and any department or agency thereof, which utilizes the services of ~~three-one~~ (31) or more employees.

g. Workplace - Any enclosed area of a structure in the Town of Brookline, at which ~~three-one~~ or more employees perform services for an employer.

~~h. Food Service Establishment - An establishment having one or more seats at which food is served to the public.~~

~~i. Function Room - A separate, enclosed room used exclusively for private functions within a food service establishment.~~

~~j. Bar/Lounge - An area within a food service establishment which is devoted primarily to serving alcoholic beverages for consumption by guests on the premises, and in which the consumption of food is only incidental to the consumption of such beverages.~~

~~kh.~~ Health Care Institution - An individual, partnership, association, corporation or trust or any person or group of persons that provides health care services and employs health care providers licensed, or subject to licensing, by the Massachusetts Department of Health under M.G.L. c. 112. Health care institution includes hospitals, clinics, health centers, pharmacies, drug stores and doctors' and dentists' offices.

~~li.~~ Entity - any single individual, group of individuals, corporation, partnership, institution, employer, association, firm or any other legal entity whether public or private.

~~mj.~~ Educational Institution - any public or private college, normal school, professional school, scientific or technical institution, university or other institution furnishing a program of higher education.

~~nk.~~ Retail Establishment - any store that sells goods or articles of personal services to the public.

~~l. Membership Association - a not-for-profit entity that has been established and operates, for a charitable, philanthropic, civic, social, benevolent, educational, religious, athletic, recreation or similar purpose, and is comprised of members who collectively belong to:~~

~~(1) a society, organization or association of a fraternal nature that operates under the lodge system, and having one (1) or more affiliated chapters or branches incorporated in any state; or~~

~~(2) a corporation organized under M.G.L. c. 180; or~~

(3) an established religious place of worship or instruction in the commonwealth whose real or personal property is exempt from taxation; _____ or

(4) a veterans' organization incorporated or chartered by the Congress of the United States, or otherwise, having one (1) or more affiliated chapters or branches incorporated in any state.

Except for a religious place of worship or instruction, an entity shall not be a membership for the purposes of this definition, unless individual membership is required for all members of the association for a period of not less than 90 days.

SECTION 8.23.3 REGULATED CONDUCT

a. Food Service Establishments

(1) All food service establishments shall be 100% non-smoking except as otherwise specifically permitted under this by-law.

(2) Waiver of non-smoking provision for bars and lounges—The owner or operator of a food service establishment containing a bar/lounge may apply for a waiver of the non-smoking provision of Section 8.23.2(1) with respect to the bar/lounge. The application shall state when the waiver shall terminate, provided, always, that such termination shall not be later than January 1, 2000. Application shall be made in writing to the Director of Public Health (Director), stating the reasons and justification for the request. Following no less than two weeks public notice, the Director shall conduct a public hearing on the request, at which the owner or operator shall present the request and the basis for the request. After the hearing the Director may grant the requested waiver, provided:

a. the owner or operator has owned or operated the establishment continuously since November 15, 1994;

b. on November 15, 1994, the establishment contained a bar/lounge according to the records of the Town;

c. the number of the seats in the bar/lounge do not exceed 25% of the establishment's total seating capacity;

d. the bar/lounge occupies a separate, enclosed room;

e. the bar/lounge is equipped with a separate ventilation system that provides an air circulation rate of at least 60 cubic feet per minute per person and exhausts air at a rate of at least 110% of supply to produce a negative air environment; and

~~f. the configuration of the establishment is not such as to require dining patrons to pass through any portion of the bar/lounge when entering or exiting the establishment.~~

~~(3.) The Director of Public Health may adopt regulations providing for the implementation of Section 8.23.2(2) of this by law.~~

~~b.a.~~ Public Places

(1) To the extent that the following are not covered by applicable State laws or regulations, no person shall smoke in any rooms or interior areas in which the public is permitted. This includes, but is not limited to, any food service establishment, health care facility, classroom, lecture hall, museum, motion picture theater, school, day care facility, reception area, waiting room, restroom or lavatory, retail store, bank (including ATMs), hair salons or barber shops and meetings of government agencies open to the public. Premises occupied by a membership association are not considered Public Places for the purposes of Section 8.23.3(a), but are subject to Section 8.23.3(b).

(2) Taxi/Livery services licensed by the Town of Brookline shall be provided in smoke-free Vehicles/vehicles. ~~in accordance with the following schedule:~~

~~a. As of 3/1/94, 25% of all vehicles~~

~~b. As of 1/1/95, 100% of all vehicles~~

The restriction of smoking in taxi/livery vehicles applies to drivers as well as passengers. ~~Non-smoking v~~ Vehicles shall be posted in such a manner that their smoke-free status can be readily determined from the outside of the vehicle.

(3) Licensed Inns, Hotels, Motels and Lodging Houses in the Town of Brookline must provide smoke-free common areas. Licensed Inns, Hotels and Motels in the Town of Brookline must designate at least 90% of individual dwelling units or rooms as non-smoking. ~~in accordance with the following schedule:~~

~~a. As of 3/1/94, 25% of individual dwelling units or rooms,~~

~~b. As of 1/1/95, 50% of dwelling units or rooms,~~

~~c. As of 1/1/96, 90% of dwelling units or rooms.~~

~~e.b.~~ Workplaces

~~(1.) Every employer shall establish, post and implement a workplace smoking policy and shall, upon request, furnish a written copy of such smoking policy to any employee or to the Director of Public Health. A workplace smoking policy shall include a grievance procedure whereby an employee may seek relief if he/she is exposed to tobacco smoke in the course of his/her work duties. Upon written request by three or more employees, an employer may, but is not required to, designate a "Smoking Area", provided that such a smoking area shall not adversely affect the health and well being of nonsmoking employees or members of the public. An employer may furnish a separate employee lounge for smoking, no larger in floor area or seating capacity than the employee lounge for non-smoking employees. All smoking in the workplaces shall be prohibited on or before January 1, 1995.~~

~~2. Workplaces with function rooms must establish and post a workplace policy that states "Employees are not required to work at private functions in which smoking is allowed." Employees who do not want to work at such functions must so inform their employer in writing, and employers must abide by their employees stated wishes in this regard.~~

(2) Notwithstanding subsection (1), smoking may be permitted in the following places and circumstances:

a. Private residences; except during such time when the residence is utilized as part of a business as a group childcare center, school age child care center, school age day or overnight camp, or a facility licensed by the department of early education and care or as a health care related office or facility;

b. Premises occupied by a membership association, if the premises is owned, or under a written lease for a term of not less than 90 consecutive days, by the association during the time of the permitted activity if the premises are not located in a public building, and if the space is occupied solely by the members, invited guests of members, and the employees of the membership association. A person who is a contract employee, temporary employee, or independent contractor shall not be considered an employee of a membership association under this subsection.

c. A guest room in a hotel, motel, inn, bed and breakfast or lodging home that is designed and normally used for sleeping

and living purposes, which is rented to a guest and designated as a smoking room.

~~(3.)~~ Hotels must establish and post a workplace policy that states "Employees are not required to work in rooms in which smoking is allowed." Employees who do not want to work in such rooms must so inform their employer in writing, and employers must abide by their employees' stated wishes in this regard.

~~4. Food service establishments that permits smoking under the waiver provisions of Section 8.23.2 (2) shall establish and post a workplace policy that states: "Employees are not required to work in the bar/lounge.~~

~~5(4.)~~ Every establishment in which smoking is permitted pursuant to this ~~Bby-l~~law shall designate all positions that require the employee's presence in an area in which smoking is permitted to be "smoking positions." The establishment shall notify every applicant for employment in a smoking position, in writing, that the position may requires continuous exposure to secondhand smoke, which may be hazardous to the employee's health.

~~(5)6.~~ No establishment in which smoking is permitted pursuant to this ~~Bby-l~~law may require any employee whose effective date of employment was on or before November 1, 1994 to accept a designated smoking position as a condition of continued employment by the employer.

~~7(6).~~ No establishment in which smoking is permitted pursuant to this ~~Bby-l~~law may discharge, refuse to hire, or otherwise discriminate against any employee or applicant for employment by reason of such person's unwillingness to be subjected to secondhand smoke exposure unless the employee has been hired for a designated smoking position and has been so notified in writing at the time of hiring.

~~8(7).~~ No establishment in which smoking is permitted pursuant to this ~~Bby-l~~law may designate more smoking positions, as a proportion of the total number of service positions, than the number of seats in proportion of the establishment in which smoking is permitted bears to the total number of seats legally permitted in the establishment.

~~9(8).~~ It is the intent of this ~~Bby-l~~law that a designated smoking position shall not be considered suitable work for purposes of M.G.L. C. 151A, and that an employee who is required to work in a smoking position shall have good cause attributable to the employer for leaving work.

~~10(9)~~. Each establishment in which smoking is permitted pursuant to this ~~By~~-law shall post, and make available to all job applicants, a statement inviting employees and job applicants to notify the Board of Selectmen regarding any violation of the policies in this section (~~Workplaces~~8.23.3(b)).

SECTION 8.23.4 POSTING REQUIREMENTS

~~a~~-Every person having control of a premises where smoking is prohibited by this by-law, shall conspicuously display on the premises, including the primary entrance doorways, signs reading "Smoking Prohibited By Law." Posting of the international symbol for "No Smoking" shall be deemed as compliance.

~~b~~. ~~Food service establishments in which smoking is permitted under the waiver provisions of Section 8.23.2(2) shall post in a conspicuous location, at each entrance used by the general public, a notice provided by the Director of Public Health. This notice, which shall not be smaller than 80 square inches nor larger than 120 square inches in overall area, shall state that smoking is permitted in the establishment and contain a warning concerning the risks of environmental tobacco smoke.~~

SECTION 8.23.5 SALE AND DISTRIBUTION OF TOBACCO PRODUCTS

a. Permit – No Entity otherwise permitted to sell tobacco products shall sell such products within the Town of Brookline without a valid tobacco sales permit issued by the Director of Public Health. Permits must be posted in a manner conspicuous to the public. Tobacco sales permits shall be renewed annually by June 1st, at a fee set forth in the Department’s Schedule of Fees and Charges.

b. Tobacco Vending Machines - The sale of tobacco products by means of vending machines is prohibited.

c. Distribution of Tobacco Products - No person, firm, corporation, establishment or agency shall distribute tobacco 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 a tobacco product as an incentive, prize, award or bonus in a game, contest or tournament involving skill or chance.

d. Sales to Minors - No person, firm, corporation, establishment, or agency shall sell tobacco products to a minor.

e. Advertising/Promotion - From and after January 1, 1995, free standing tobacco product displays in retail locations, where a tobacco product is accessible to the public, shall be within twenty feet and the unobstructed view of a check-out or cash register location.

f. Prohibition Against the Sale of Tobacco Products by Health Care Institutions - No health care institution located in the Town of Brookline shall sell or cause to be sold tobacco products. Additionally, no retail establishment that operates or has a health care institution within it, such as a pharmacy or drug store, shall sell or cause to be sold tobacco products.

g. Prohibition Against the Sale of Tobacco Products by Educational Institutions - No educational institution located in the Town of Brookline shall sell or cause to be sold tobacco products. This includes all educational institutions as well as any retail establishments that operate on the property of an educational institution.

SECTION 8.23.6 VIOLATIONS AND PENALTIES

a. Any person who knowingly violates any provision of this by-law, or who smokes in any area in which a "Smoking Prohibited By Law" sign, or its equivalent, is conspicuously displayed, shall be punished by a fine of not more than \$50 for each offense.

b. Any person having control of any premises or place in which smoking is prohibited who allows a person to smoke or otherwise violate this bylaw, shall be punished by a fine of not more than \$100 for each offense.

c. Any entity violating any other section of this by-law shall receive a fine of three hundred dollars (\$300.00) for each offense.

d. Employees who violate any provision of Section 8.23.2(c) shall be punished by a fine of not more than \$100 per day for each day of such violation.

e. Violations of this by-law may be dealt with in a non-criminal manner as provided in PART X of the Town ~~By-L~~aws.

f. Each calendar day an entity operates in violation of any provision of this regulation shall be deemed a separate violation.

g. No provision, clause or sentence of this section of this regulation shall be interpreted as prohibiting the Brookline Health Department or a Town department or Board from suspending, or revoking any license or permit issued by and within the jurisdiction of such departments or Board for repeated violations of this ~~regulation~~by-law.

SECTION 8.23.7 SEVERABILITY

Each provision of this by-law shall be construed as separate to the extent that if any section, sentence, clause or phrase is held to be invalid for any reason, the remainder of the by-law shall continue in full force and effect.

Or act on anything relative thereto.

ARTICLE 5

Submitted by: Police Chief

To see if the Town will amend the General By-Laws, Article 8.30, Fingerprint-Based Criminal Record Background Checks, Section 8.30.2, as follows (new language is underlined):

Section 8.30.2 Applicant's Submission to Fingerprinting by the Brookline Police Department

Any applicant for a **Town of Brookline** license to engage in any of the following occupational activities within the Town shall submit a full set of fingerprints taken by the Brookline Police Department within ten (10) days of the date of the application for a license for the purpose of conducting a state and national criminal record background check to determine the suitability of the applicant for the license:

- Liquor Licensee;
- Manager or Alternate Manager of a Liquor Licensee;
- Registered Marijuana Dispensary (RMD) Licensee;**
- RMD Executives, Directors, and Managers;**
- Hawker and Peddler;
- Hackney Carriage (Taxi) Operator;
- Door-to-Door Solicitor;
- Second-Hand Dealer;
- Automobile Dealer; **and**
- Ice Cream Truck Vendor.

At the time of fingerprinting, the Police Department shall notify the individuals fingerprinted that the fingerprints will be used to check the individual's FBI criminal history records.

Or act on anything relative thereto.

ARTICLE 6

Submitted by: Board of Selectmen

To see if the Town will amend the General By-Laws by adding the following article:

ARTICLE 8.32 REGISTERED MARIJUANA DISPENSARY (RMD) LICENSES

Section 8.32.1 PURPOSE

The purpose of this By-Law is to prevent and minimize any possible adverse public health and safety consequences that could result from the establishment of Registered Marijuana Dispensaries (“RMDs”) within the Town pursuant to Chapter 369 of the Acts of 2012, “An Act for the Humanitarian Medical Use of Marijuana” (the “Act”), while at the same time recognizing the purpose of the Act to make medical marijuana available to qualifying patients.

Section 8.32.2 LICENSE

No person shall operate an RMD within the Town unless licensed to do so by the Board of Selectmen (“Board”). An RMD license shall be valid for a term of one year from the first day of January.

Each day of operation without an RMD license shall constitute a separate violation.

An RMD license shall be subject to the RMD’s compliance with Massachusetts and Town laws, by-laws, regulations, and codes, including, but not limited to, 105 C.M.R. 725, the Town’s Zoning By-Law, and any Town regulations adopted pursuant to this By-Law.

Section 8.32.3 REGULATIONS

The Board may issue regulations for the implementation of this By-Law.

Section 8.32.4 APPLICATIONS FOR NEW OR RENEWED RMD LICENSES

The Board shall specify the process and forms to be used by applicants for new and renewed RMD licenses. The Board or its designee may inspect an RMD and affiliated vehicles prior to the issuance of an RMD license or renewal of a license. All areas of an RMD and all RMD records may be subject to inspection consistent with applicable law.

The Board may, to the extent permitted under applicable law (including any Town regulations promulgated hereunder), 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 Massachusetts and Town laws, by-laws, regulations, and codes, including, but not limited to, 105 C.M.R. 725, the Town’s Zoning By-Law, and any Town regulations adopted pursuant to this By-Law, may be cause for denial of an application for a new or renewed RMD license.

Section 8.32.5 IMPLEMENTATION

This By-Law shall not be implemented in a manner that conflicts or interferes with the Act or with 105 C.M.R. 725.

Or act on anything relative thereto.

ARTICLE 7

Submitted by: Department of Planning and Community Development

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

Amending Section 2.13.1, "M" Definitions, "Medical Marijuana Treatment Center" as follows: (new language in bold)

1. MEDICAL MARIJUANA TREATMENT CENTER – Any Medical Marijuana Treatment Center, **to be known as a Registered Marijuana Dispensary (RMD)**, as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils, or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

And amending Sec. 4.07, Table of Use Regulations, Use #20B, by changing the use name from Medical Marijuana Treatment Centers, to Registered Marijuana Dispensary, and change the use columns as follows (new language in bold):

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
20B. Registered Marijuana Dispensary (RMD)* * To be eligible for a special permit under Use 20 B, the requirements under Sec. 4.12, Registered Marijuana Dispensary, shall be met.	No	No	No	No	No	No SP*	No SP*	No SP*	No SP*

And creating a new Sec 4.12, Registered Marijuana Dispensary (RMD with the following requirements: (new language in bold):

Sec. 4.12 - Registered Marijuana Dispensary (RMD)

1. Purpose

The intent of this section is to establish RMDs in appropriate locations and under strict safeguards to mitigate any possible adverse public health and safety consequences related to the establishment of RMDs in the Town of Brookline, in conformity with Chapter 369 of the Acts of 2012 (Question # 3 on the November 6, 2012 ballot).

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. General Restrictions

An RMD shall:

- a. Have a valid license or permit as may be required by law, including 105 CMR 725 and the Town By-Law, and comply with all state provisions.**
- b. Be located more than 500 feet from an elementary or secondary school, public or private, as measured from lot boundary to lot boundary.**
- c. Not be located in a building that contains a day care center.**
- d. Not have direct access from a public way to the portion of the RMD where marijuana or related products or supplies are dispensed.**
- e. Have signage that conforms to the state regulations, is not internally illuminated, and is approved by the Brookline Planning Board under Article VII of the Brookline Zoning By-Law.**
- f. Require that if an RMD cultivates marijuana in Brookline, it shall be in an entirely enclosed building for security purposes.**
- g. Submit a detailed description of security measures for the RMD, such as lighting, fencing, gates, and alarms, etc., that comply with the requirements of 105 CMR 725, to ensure the safety of persons and protect the premises from theft.**

3. Submittal Requirements prior to issuance of a Building Permit for an RMD

The following information shall be provided to the Building Department:

- a. The name and address of each owner of the RMD.**
- b. Copies of any required licenses and permits relating to the operation of the RMD, or, if an application for a required license or permit is pending, a copy of the application.**
- c. Evidence of the Applicant's right to use the proposed site as an RMD, such as a deed or lease.**
- d. If the Applicant is a business organization, a statement disclosing all of its owners, shareholders, partners, members, managers, directors, officers, or other similarly-situated individuals and entities and their addresses. If any of the above are entities rather than persons, the Applicant must disclose the identity of the owners/trustees of such entities by listing the individuals' names and addresses.**

4. Submittal Requirements prior to issuance of a Certificate of Occupancy for an RMD

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 persons with access to the facility when it is closed, to enable contact if operating problems should arise.**
- b. Proof that the Brookline Police Department has approved the proposed security measures and that all security measures have been installed or implemented.**

5. Annual Reporting *[Delete this section if a Town By-Law requiring annual licensing of RMDs by the Selectmen is approved by Town Meeting.]*

As a condition for the continuation of the Special Permit, the owner (s) or manager (s) of each RMD permitted under this By-law shall appear before the Zoning Board of Appeals no later than January 31st of each year, to demonstrate continued compliance with state and town requirements, submit proof that the Brookline Police Department has been given updated contact information, and has found security measures adequate.

And amending Sec 6.02.5, Off-Street Parking Space Regulations by adding “20B” to the list of Retail and Office uses after “20A” in the first sentence: (new language in bold):

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

Or act on anything relative thereto.

ARTICLE 8

Submitted by: Department of Planning and Community Development

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

Amending Sec. 4.07, Table of Use Regulations, Use#5, as follows: (new language in bold)

§4.07 – TABLE OF USE REGULATIONS

Principal Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
5. Attached dwelling occupied by not more than one family in each unit between side walls, provided that no row of such units shall consist of more than two such units in T Districts or more than three such units in F Districts. *Except as permitted by Use 1A above and §5.11.	No*	No	SP Yes	SP	SP	SP	No	SP	No

And amending Table 5.01, Table of Dimensional Requirements, as follows: (new language in bold)

Table 5.01 – Table of Dimensional Requirements		LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	LOT WIDTH MINIMUM (feet)	HEIGHT 9 MAXIMUM (feet)	MINIMUM YARD 3, 10 (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE					Front 1,6	Side 2	Re ar	Landsc.	Usable
T-6	1-family detached dwelling	5,000	0.75	45	35	15	7.5	30	10%	30%
	2-family dwelling	6,000	0.75	55	35	15	10	30	10%	30%
	1-family attached dwelling	3,000	0.75	25	35	15	none 2	30	10%	30%
	Any other structure or principle use	6,000	0.75	55	35	25	20	40	30%	none
T-5	1-family detached dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none 2	30	10%	30%
	Any other structure or principle use	5,000	1.0	50	35	25	20	40	30%	none
F-1.0	1-family dwelling	4,000	1.0	40	35	15	7.5	30	10%	30%
	2-family dwelling	5,000	1.0	45	35	15	10	30	10%	30%
	3-family dwelling	5,000	1.0	45	40	15	10	30	10%	30%
	1-family attached dwelling	2,500	1.0	20	35	15	none²	30	10%	30%
	Any other structure or principal use	5,000	1.0	60	40	15 25	10+L/10 20	30 40	10% 30%	30% none

(Additional regulations are contained in the text of Article 5.00) Required Lot Frontage: 25' in S and SC districts and 20' in all other districts

And amending Sec. 2.07, “G” Definitions, Gross Floor Area, by adding to the beginning of the second to the last sentence below, the following. **(new language in bold)**

§2.07 – “G” DEFINITIONS

1. GROSS FLOOR AREA—The sum of the areas of all floors of all principal and accessory buildings whether or not habitable except as excluded. Gross floor area shall include enclosed porches and the horizontal area at each floor level devoted to stairwells and elevator shafts. Gross floor area shall exclude (a) portions of cellars, basements, attics, penthouses and historically and architecturally significant accessory buildings that are not habitable, provided however that space that has been decommissioned shall not be excluded from gross floor area; (b) except as required in §5.06, paragraph 4, subparagraph b(3) relating to the parking in Coolidge Corner, any floor space in accessory buildings or in the main building intended and designed for parking of motor vehicles in order to meet the parking requirements of this By-law, provided, however, that for single and two-family dwellings the floor space thereby exempted from the calculation of gross floor area shall not exceed 360 square feet per required parking space; (c) elevator penthouses and mechanical equipment enclosures located above the roof, if not habitable; (d) necessary mechanical equipment space in the basement; and (e) up to 150 square feet of area in an accessory structure such as a garden or equipment shed. Measurements shall be from the exterior faces of the walls or from the centerlines of the walls for adjoining

buildings. **For one-, two- and three-family buildings** where the ceiling height measured from the finished floor to the ceiling exceeds 12 feet (including without limitation atriums, vaulted ceilings and cathedral ceilings), gross floor area shall be calculated by dividing by 12 the maximum ceiling height in such areas where the ceiling height exceeds 12 feet, and multiplying the result by the horizontal square footage in such areas where the ceiling height exceeds 12 feet. Space that has been decommissioned shall be included in the gross floor area of a building.

Or act on anything relative thereto.

ARTICLE 9

Submitted by: Department of Planning and Community Development

To see if the Town will amend Sec. 4.07, Table of Use Regulations, Use #53, in the Brookline Zoning By-Law, as follows: [new language in bold]

§4.07 – TABLE OF USE REGULATIONS

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I
53. Residence Dwelling unit in an accessory building for not more than four persons who are full-time domestic employees or members of the family of such employees. *Allowed only in an S-40 district, on a lot not less than 40,000 s.f. with an accessory building not exceeding 1,200 s.f.	Yes SP*	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No	Yes No

Or act on anything relative thereto.

ARTICLE 10

Submitted by: Board of Selectmen

To see if the Town will amend Sec. 6.02, Paragraph 1, Table of Off-Street Parking Space Requirements, in the Brookline Zoning By-Law, as follows: [new language in bold]

§6.02, Paragraph 1, TABLE OF OFF-STREET PARKING SPACE REQUIREMENTS

		RESIDENCE***	PUBLIC ASSEMBLY***	INSTITUTION	RETAIL & OFFICE			INDUSTRIAL	WAREHOUSE & OTHER
		(Number of Spaces per dwelling unit)	(Number of seats requiring one space)		General		Medical & Dental		
					Ground Floor	Other			
		See ** below		(Number of square feet of gross floor area requiring one space)					
ZONING DISTRICT DEFINED BY MAXIMUM FLOOR AREA RATIO	0.15 0.20 0.25 0.30 0.35 0.40	2 Studio 1.0 One Bdrm. 1.5 Two Bdrm. 2.0 Three plus 2.0	3	350	200*	400*	200*	800*	1200*
	0.50 0.75 1.00	2-0/2-3*** Studio 1.0 One Bdrm. 1.5 Two Bdrm. 2.0 Three plus 2.3	4	450	200	400	200	800	1200
	1.50 1.75 2.00 2.50	2-0/2-3*** Studio 1.0 One Bdrm. 1.5 Two Bdrm. 2.0 Three plus 2.3	5	550	350	600	250	800*	1200

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

*Applicable to nonconforming uses.

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

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

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

Or act on anything relative thereto.

ARTICLE 11

Submitted by: Department of Planning and Community Development

To see if the Town will amend the Brookline Zoning By-Law related to Off-Street Loading as follows:

Amending Section 6.06, Off-Street Loading Regulations, by adding subsection 7 as follows (new language in bold):

7. The number of required loading bays may be reduced by special permit from the Board of Appeals where the adequacy of the reduced number of loading bays can be demonstrated based on the proposed uses, hours of operation, delivery service requirements, and allocation of loading facilities across the various uses and buildings. The Director of Engineering/Transportation and the Director of Planning and Community Development shall make recommendations to the Planning Board and Board of Appeals regarding any request for a reduced number of loading bays.

and amending Section 6.07, Design and Layout of Off-Street Loading Facilities, by adding subsection 3 as follows (new language in bold):

3. By special permit, the Board of Appeals may permit, in lieu of the dimensional requirements of this section, the substitution of other dimensional requirements for the design and layout of off-street loading facilities, where it finds that such substitute dimensions would be adequate for the uses proposed for which the facilities are designed to serve. The Director of Engineering/Transportation and the Director of Planning and Community Development shall make recommendations to the Planning Board and Board of Appeals regarding any request for substituted dimensional requirements for loading facilities.

Or act on anything relative thereto.

ARTICLE 12

Submitted by: Board of Selectmen

To see if the Town will authorize and empower the Board of Selectmen to lease for a term of not more than thirty (30) years the property known as the Singletree Reservoir Site, shown as Parcel 04-01 in Block 437 on Page 127 of the Town's 2010 Assessors Atlas, for the purpose of hosting a ground-mounted solar photovoltaic installation (solar panels and appurtenant equipment), subject to any authorizations, approvals and reviews, on such terms and conditions determined by the Board of Selectmen to be in the best interest of the Town.

Or act on anything relative thereto.

ARTICLE 13

Submitted by: Sandra DeBow, Director of the Human Resources Department

To see if the Town will revoke its acceptance of General Laws Chapter 149, Section 33B, "Five day week and eight hour day for cities and towns; overtime; reduction of compensation,"

Or act on anything relative thereto.

ARTICLE 14

Submitted by: Sundar Srinivasan

To see if Town Meeting will request the Board of Selectmen or their designee to conduct an annual review of the Town's Pension and Retiree Healthcare liabilities in the following manner, such review to be published as an appendix to the annual Town Budget: First, by using the same methods and providing the same disclosure as US public companies. Second, by using the same methods, but calculating the cost to the Town assuming the Town does not want to assume investment risk, by setting the investment return and discount rate assumptions to the rate available on US government bonds with a duration closest to that of the Town's liabilities,

Or take any action related thereto.

ARTICLE 15

Submitted by: Ruthann Sneider

To see if Town Meeting will request the Board of Selectmen to require that the Building Commissioner specify in all decisions or rulings relating to condominium common areas a date by which any action required pursuant to such a decision or ruling must be taken.

ARTICLE 16

Submitted by: The Diversity Committee of the Human Relations Commission (Brooks Ames, Mariela Ames, Larry Onie, Georgi Vogel Rosen)

To see if the Town will adopt the following resolution:

WHEREAS: The Human Relations Commission, the Town agency charged with advancing civil rights and race relations, has seven vacancies on its 15 member board and eight members constitute a quorum.

WHEREAS: A racially diverse membership is critical to achieving the Commission's mission.

WHEREAS: Three qualified applicants have applied and are awaiting appointment to the Commission; two are Black and one is Latino.

WHEREAS: Many of the Town's 38 standing Boards, Commissions, and Committees would benefit from a more diverse composition, and the Human Relations Commission has the opportunity to lead by example with these applicants.

WHEREAS: Every Town Board, Commission, and Committee requires a quorum to lawfully and democratically make decisions and work effectively, and vacancies on the Human Relations Commission have made it virtually impossible for it to achieve a quorum and meet its charge.

WHEREAS: Every Board, Commission and Committee should be encouraged to fulfill its charge, and the Bylaw charging the Human Relations Commission with advancing civil rights and race relations is valid until abrogated or amended by Town Meeting.

WHEREAS: The Selectmen’s Committee on Diversity has yet to develop recommendations for amending the Commission’s Bylaw and any such recommendations will not be voted on by Town Meeting until at least the spring of 2014.

WHEREAS: The Committee for Town Organization and Structure has recommended to the Board of Selectmen that the Commission “be brought up to full strength as soon as practically possible” on the grounds that “keeping the Commission with vacancies for another year is not consistent with the Town’s longstanding commitment to its functions and advocacy.”

WHEREAS: The co-chairs of Brookline PAX have called on the Board of Selectmen to promptly fill the vacancies on the Commission, noting that “for years, minorities have been under-represented on the commission that would most benefit from their experience and knowledge.”

WHEREAS: The Board of Selectmen are charged by the Commission’s Bylaw with making appointments to the Commission.

WHEREAS: The Board of Selectmen have not yet acted on the three outstanding applications to the Commission, which have been pending since April 2013.

NOW, THEREFORE, BE IT RESOLVED THAT: Town Meeting urges the Board of Selectmen to take the necessary steps to appoint the three outstanding applicants to the Commission and subsequent qualified applicants until the Commission is at full strength.

Or act on anything relative thereto.

ARTICLE 17

Submitted by: John Bassett, Frank Farlow, David Klafter, M K Merelice

To see if the Town will adopt the following Resolution:

WHEREAS we as a people and a nation must honor our commitment to act as a constructive force within the community of nations;

WHEREAS human progress resides in respect for international law and for the sovereignty of nations, and as the strongest of these nations the United States has a special responsibility to uphold and abide by broadly supported principles of international law—especially those embodied in the United Nations Charter;

WHEREAS the U.N. Charter decrees that (1) no nation can use military force except in self-defense (Articles 39 and 51), (2) the Security Council is the only body that can authorize the use of force (Art. 24; Ch. VII), and (3) only the Security Council can decide what action can be taken to maintain or restore international peace and security (Art. 39);

WHEREAS there is no serious and imminent threat of an attack on the U.S. by the Syrian government, and the U.N. has not determined that collective action is necessary against Syria;

WHEREAS on August 28, when the U.N. Secretary General pleaded for more time for diplomacy,¹ the five permanent members of the Security Council failed to reach agreement on a resolution proposed by Britain allowing the use against the Syrian government of “all necessary measures under Chapter 7 of the UN Charter to protect civilians from chemical weapons;”²

WHEREAS two days after the British administration presented its resolution to the Security Council, the British Parliament defeated Prime Minister Cameron’s motion to participate in military action against Syria;³

WHEREAS although the French administration said the British Parliament’s vote did not change its own resolve on the need to act in Syria⁴, a late-August poll revealed that most French people did not want their country to take part in military action;⁵

WHEREAS in mid-May more than 70 countries refused to approve an Arab-backed resolution against Syria in the U.N. General Assembly,⁶ and as of late August more than ten NATO countries “definitely” refused any form of involvement in the U.S.-proposed military operation;⁷

WHEREAS although U.S. and British officials claimed there was little doubt that Syrian President Bashar al-Assad’s forces were responsible for the August 22 chemical attacks near Damascus, the head of the U.N. said its inspectors in Syria needed time to establish the facts;⁸

WHEREAS the United States has no treaty obligation to intervene in the Syrian civil war;

WHEREAS President Obama nevertheless recommended that Congress move forward with limited military retaliation against the Syrian regime without waiting for U.N. forensic inspectors to complete their investigation, and without U.N. support;⁹

WHEREAS our numerous recent extra-treaty interventions, starting with Vietnam, have resulted in many deaths and injuries and have been expensive beyond measure—in supporting military actions, in subsequent reconstruction, and in providing medical care for those who have fought—wresting funding from an ever-increasing range of pressing domestic needs;

WHEREAS the desire of people the world over is to feel safe and secure, and the surest long-term path to safety and security, both domestic and foreign, is through collaborative efforts under international law—not through unilateralism; now, therefore, be it

RESOLVED, that the Town Meeting of Brookline, Massachusetts, assembled this 19th day of November, 2013, believes that an attack on Syria by the United States is not justified; be it further

RESOLVED, that If such an attack has not occurred at the time of the vote on this Resolution, Town Meeting commends the Obama administration for its restraint; be it further

RESOLVED, that if such a unilateral attack has occurred at the time of this vote, Town Meeting urges that any military action still in progress be stopped immediately in favor of working diplomatically with the Syrian government and opposition to convene an international conference working towards a cease fire and political process; and be it further

RESOLVED, that Town Meeting requests that this resolution be transmitted promptly to President Obama and to Brookline's congressional delegation.

¹ <http://www.theglobeandmail.com/news/world/un-confirms-substance-in-syria-attack-says-military-response-requires-security-council-approval/article13994275/>

² http://www.cbsnews.com/8301-202_162-57600384/syria-resolution-authorizing-military-force-fails-in-u.n-security-council/ and <http://www.thehindu.com/news/international/world/uk-wants-all-necessary-measures-authorized-at-un/article5068022.ece>

³ <http://www.npr.org/blogs/thetwo-way/2013/08/29/216933582/british-parliament-rejects-syria-intervention-in-symbolic-vote>

⁴

<http://www.google.com/search?client=safari&rls=en&q=the+UK's+vote+does+not+change+its+resolvement+on+the+need+to+act+in+Syria3&ie=UTF-8&oe=UTF-8>

⁵ <http://www.theguardian.com/world/2013/aug/31/syria-un-weapons-inspectors-leave>

⁶ <http://www.presstv.com/detail/2013/05/16/303755/12-states-oppose-antisyria-resolution/>

⁷ <http://inserbia.info/news/2013/08/more-than-10-nato-countries-refused-involvement-in-operation-against-syria/>

⁸ <http://www.bloomberg.com/news/2013-08-27/u-s-allies-move-closer-to-military-strike-against-syria.html>

⁹ <http://www.motherjones.com/politics/2013/08/obama-syria-strike-congressional-approval>

Or act on anything relative thereto.

ARTICLE 18

Submitted by: Clint Richmond, Sarah Wunsch, Frank Farlow, and Eunice White

To see if the Town will adopt the following Resolution:

Opposing Police Surveillance Cameras from the Department of Homeland Security

WHEREAS the Board of Selectmen first approved the use of a police video camera surveillance system funded by the U.S. Department of Homeland Security (DHS) in January 2009 and networked with a larger Boston Metropolitan system for a one-year trial period of round-the-clock operation; and

WHEREAS the Town Meeting of Spring 2009 voted by a strong majority in favor of Article 25 which called on the Selectmen to *remove* the cameras; and

WHEREAS the Board of Selectmen reduced the use of the camera surveillance system in Sep. 2009 to the hours of 10 PM to 6 AM with special exceptions for other times; and

WHEREAS the Police Department and members of the Camera Oversight Committee and Board of Selectmen have continued to argue for restoration of round-the-clock surveillance; and

WHEREAS the primary purpose originally asserted aiding in evacuations from Boston – raised immediate skepticism among residents, and neither was nor is cost justified; and

WHEREAS the cameras have been used in non-emergency situations variously described as crime prevention or investigation and after more than four years of usage, the benefits in these areas have been minimal to non-existent, which is consistent with the studies cited by opponents that were available prior to the time of the installation; and

WHEREAS no significant benefit has been demonstrated that would outweigh the costs in dollars or the intrusion on personal freedom and privacy; and

WHEREAS the majority of citizens during public hearings have consistently opposed the cameras as a form of government surveillance; and

WHEREAS the United States Constitution, the Massachusetts Declaration of Rights, and the UN Declaration of Human Rights provide for a right to privacy which is undermined by increasing governmental intrusion into the privacy of citizens at all levels; and

WHEREAS we desire to live in a free and open society; and

WHEREAS DHS camera are part of a national program that also created massive statewide data Fusion Centers that allow the archiving and analysis of a wide range of citizen activities inside and outside our homes – similar to what has been done by the National Security Agency; and

WHEREAS the digital images captured by these police cameras will generally be available to anyone who requests copies under the Commonwealth's public records law, or to any government agency, and can be distributed further without any restrictions; and

NOW, THEREFORE BE IT RESOLVED:

that Town Meeting urges the Board of Selectmen to order the removal of the general police surveillance cameras funded by the Department of Homeland Security,

Or act on anything relative thereto.

ARTICLE 19

Reports of Town Officers and Committees

AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

HEREOF FAIL NOT, and make due return of this WARRANT, with your doings thereon, to the Selectmen FOURTEEN DAYS at least before the day of said meeting.

Given under our hands and the seal of the TOWN of Brookline, Massachusetts, this Tenth day of September, 2013.

BOARD OF SELECTMEN



BY VIRTUE OF THIS WARRANT, I THIS DAY NOTIFIED AND WARNED THE INHABITANTS OF SAID TOWN TO MEET AT THE HIGH SCHOOL AUDITORIUM IN SAID TOWN ON TUESDAY, NOVEMBER 19, 2013 AT 7:00 P.M. BY POSTING TRUE AND ATTESTED COPIES OF THE WITHIN WARRANT IN TEN (10) PUBLIC PLACES. ALL OF THIS WAS DONE AT LEAST FOURTEEN (14) DAYS BEFORE SAID MEETING.

CONSTABLE

DATE