

WARRANT
 THE COMMONWEALTH OF MASSACHUSETTS
 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 and the Town Meeting Members qualified to vote at Town Meetings, to meet at the High School Auditorium in said Brookline on THURSDAY, the FOURTH day of MARCH, 2004, at 7:00 o'clock in the evening for the Special Town Meeting at which time and place the following articles are to be acted upon and determined by the representative town meeting:

ARTICLE 1

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

- I. With respect to the Village Square General Business District G-2.0 (VS):**
 - A. Amend the Floor Area Ratio Maximum and Height Maximum for the G-2.0 (VS) District within TABLE 5.01, TABLE OF DIMENSIONAL REQUIREMENTS as referenced in SECTION 5.00 – DISTRICT REGULATIONS of ARTICLE V DIMENSIONAL REQUIREMENTS, as follows (new in italics and bolded).

SECTION 5.01 TABLE OF DIMENSIONAL REQUIREMENTS							PBI ¹¹		MINIMUM YARD ³ (feet)			OPEN SPACE (% of gross floor area)	
DISTRICT	USE	LOT SIZE MINIMUM (sq. ft.)	FLOOR AREA RATIO MAXIMUM	PBI ¹¹ NB ONLY	LOT WIDTH MINIMUM (feet)	HEIGHT ⁹ MAXIMUM	B	NB	Front ^{1,6}	Side ²	Rear	Landsc.	Useable ¹³
G-2.0	Any Structure or principal use (dwelling-footnote 5)	none ⁴	2.0 4.0 (VS) ¹⁷	2.5	none ⁴	45 125(VS) ¹⁷	60 45 (CA)	70 55(CA) <i>100(VS)</i>	none	none ⁷	10 + $\frac{L^8}{10}$	none	none ⁵

- B. Insert the following new footnote 17 after the Floor Area Ratio Maximum and Height Maximum permitted within the G-2.0 (VS) District, as shown in the above revised TABLE 5.01, TABLE OF DIMENSIONAL REGULATIONS and in the footnote section below the table.

17. See SECTION 5.06 – SPECIAL DISTRICT REGULATIONS, 4. *Village Square General Business District G-2.0 (VS)*.

C. In ARTICLE V - DIMENSIONAL REQUIREMENTS, by adding a new paragraph 4 to SECTION 5.06, to read as follows:

4. Village Square General Business District G-2.0 (VS)

a. All applications for new structures, outdoor uses, and exterior alterations or additions in the G-2.0 (VS) District **which exceed a floor area ratio of 2.5 or a height of 100 feet** shall be subject to the requirements of § 5.09, Design Review, obtain a special permit per § 9.03, and meet the following requirements.

1. The maximum height shall not exceed 125 feet and the maximum gross floor area ratio shall not exceed 4.0.
2. no less than 20% of the Lot Area shall be devoted to landscaped open space.
3. no less than 60% of the parking spaces required by the Board of Appeals shall be provided completely below grade.
4. no less than 25% of the provided parking spaces shall be offered to residents for overnight parking.
5. no less than 1% of the hard construction costs of constructing a building on a Lot (exclusive of tenant fit-up) shall be devoted to making off-site streetscape improvements (such as, but not limited to, lighting, street furniture and widening sidewalks) and undertaking transportation mitigation measures. A plan of the proposed off-site streetscape improvements and a description of the proposed transportation mitigation measures shall be submitted for the review and approval of the Planning Board or its designee.

b. The parking requirements for applications in the G-2.0 (VS) District in light of the proximity to rapid public transit shall be as follows:

retail use: one parking space per 350 g.s.f. of floor area

office use: one parking space per 600 g.s.f. of floor area

research laboratory use (Use 36A): one parking space per 1,000 g.s.f.

The number of parking spaces for the above uses in a G-2.0 (VS) District may be reduced by **special permit**, however, by no more than 15%, where it can be demonstrated to the Board of Appeals that it is warranted due to provisions in a Transportation Access Plan that includes recognized Transit Demand Management programs. A **Transportation Access Plan Agreement** shall be a condition of the special permit, shall be submitted for review to the Director of Transportation and the Director of Planning and Community Development, and shall require an annual report to the Director of Transportation. This **annual report** shall be accepted only after a determination by the Director of Transportation and the Director of Planning and Community Development that the Transportation Access

Plan is working satisfactorily, and if not, that the plan will be changed and implemented to their satisfaction.

II. With respect to Section 4.07 – Table of Use Regulations:

In ARTICLE IV – USE REGULATIONS, by replacing the text of Principle Use 36A in SECTION 4.07 – TABLE OF USE REGULATIONS with the following:

36A. Research laboratory for scientific or medical research, **with a Biosafety Level of Level 1 or Level 2 as defined by the U.S. Department of Health and Human Services, Centers for Disease Control and Prevention, and National Institutes of Health**, provided the use is operated in compliance with all town, state and federal health and safety regulations, and that thirty days prior to a Board of Appeals hearing on the use, and annually, a report detailing hazardous materials operations, processes, disposal and storage **shall be reviewed and approved in writing by the Fire Chief and Director of Public Health and Human Services.**

or act on anything relative thereto.

ARTICLE 2

To see if the Town will authorize and empower the Board of Selectmen to file a petition, in substantially the following form, with the General Court:

AN ACT AUTHORIZING THE TOWN OF BROOKLINE TO LEASE CERTAIN TOWN OWNED LAND.

Be It Enacted, etc., as follows:

SECTION 1. Notwithstanding any general or special law to the contrary, the town of Brookline is hereby authorized to lease any part or portion of the property generally known and referred to as Lot A in the B-2 Parcel, shown as Parcel 1 in Block 138 on Sheet 29B of the Town's 2001 Assessors Atlas, now or hereafter owned by it, for a period not to exceed 95 years, to Village Plaza Limited Partnership or its designee, upon such terms and conditions as the board of selectmen shall determine to be in the best interests of the town, including terms and conditions regarding the payment of real estate taxes or payments in lieu of real estate tax obligations.

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

or act on anything relative thereto.

ARTICLE 3

To see if the Town will authorize the Board of Selectmen to lease any part or portion of the property generally known as Lot A in the B-2 Parcel, shown as Parcel 1 in Block 138 on Sheet 29B of the Town's 2001 Assessors Atlas, now or hereafter owned by said town, for a period not to exceed ninety five (95) years, to Village Plaza Limited Partnership or its designee, upon such terms and conditions as the Board of Selectmen shall determine to be in the best interests of the town, including terms and conditions regarding the payment of real estate taxes or payments in lieu of real estate tax obligations, or act on anything relative thereto.

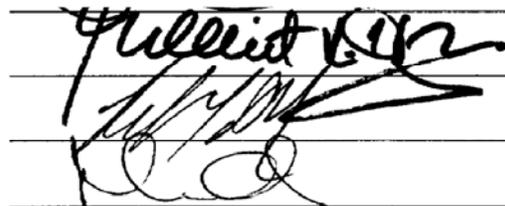
AND YOU ARE DIRECTED TO SERVE THIS WARRANT IN ACCORDANCE WITH THE BY-LAWS OF THE TOWN OF BROOKLINE.

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 13th day of January, 2004.



A handwritten signature in black ink, appearing to read "Walter B. [unclear]", written above a horizontal line.



A handwritten signature in black ink, appearing to read "Phillip [unclear]", written above a horizontal line. Below this line is another horizontal line, and below that is a third horizontal line.

BOARD OF SELECTMEN