

**EXPLANATIONS FOR THE
MAY 28, 2013 ANNUAL TOWN MEETING
WARRANT ARTICLES**

ARTICLE 1

Submitted by: Board of Selectmen

Article 20 of the November, 2000 Special Town Meeting requires that this be the first article at each Annual Town Meeting. It calls for the Selectmen to appoint two Measurers of Wood and Bark.

ARTICLE 2

Submitted by: Human Resources

This article is inserted in the Warrant for any Town Meeting when there are unsettled labor contracts. Town Meeting must approve the funding for any collective bargaining agreements.

ARTICLE 3

Submitted by: Treasurer/Collector

This article authorizes the Town Treasurer to enter into Compensating Balance Agreements, which are agreements between a depositor and a bank in which the depositor agrees to maintain a specified level of non-interest bearing deposits in return for which the bank agrees to perform certain services for the depositor. In order to incorporate such compensating balance agreements into the local budget process, the Commonwealth passed a law in 1986 mandating that all such arrangements be authorized by Town Meeting on an annual basis.

ARTICLE 4

Submitted by: Board of Selectmen

Section 2.1.4 of the Town's By-Laws requires that each Annual Town Meeting include a warrant article showing the status of all special appropriations.

ARTICLE 5

Submitted by: Board of Selectmen

This article is inserted in the Warrant for every Town Meeting in case there are any unpaid bills from a prior fiscal year that are deemed to be legal obligations of the Town. Per Massachusetts General Law, unpaid bills from a prior fiscal year can only be paid from current year appropriations with the specific approval of Town Meeting.

ARTICLE 6

Submitted by: Board of Assessors

This article provides for an increase in the property tax exemptions for certain classes of individuals, including surviving spouses, the elderly, the blind, and disabled veterans.

The proposed increases, which require annual reauthorizations, have been approved annually since FY89.

ARTICLE 7

Submitted by: Board of Selectmen

The purpose of this article is to make any year-end adjustments to the current year (FY13) budget.

ARTICLE 8

Submitted by: Advisory Committee

This is the annual appropriations article for FY2014. Included in this omnibus budget article are operating budgets, special appropriations, enterprise funds, revolving funds, and conditions of appropriation. This is the culmination of work that officially began with the presentation of the Town Administrator's Financial Plan on February 12th. The proposed budget has since been reviewed by numerous sub-committees of the Advisory Committee, the full Advisory Committee, and the Board of Selectmen. The vote ultimately recommended to Town Meeting is offered by the Advisory Committee.

ARTICLE 9

Submitted by: Town Administrator

After 39 years of dedicated service to the Town of Brookline, Human Relations/Youth Resources Director Steve Bressler announced his retirement effective April 30, 2013. We wish Steve well and thank him for his countless contributions to Brookline town government and community life. Brookline is a very diverse and progressive community. Its commitment to human rights and opportunities for youth and other groups was strengthened by Steve's leadership and efforts.

Since its inception in 1970, the scope of the Human Relations/Youth Resources Department has changed as society, the law and the organization of town government have evolved. Over time, the staffing for the Department has been reduced to just the Director. The departure of the Director provides an appropriate time to review the services that are provided under the Human Relations/Youth Resources umbrella. It is my intent to reorganize the staffing and jurisdiction of the Department to more effectively support human relations and youth services programming and to coordinate related human service functions of the Town. It is not my intent to lessen the Town's commitment to human relations or to eliminate the Human Relations/Youth Resources Commission. The Commission will remain an important Town body to advocate, oversee and advise the Board of Selectmen on matters relating to opportunities for disadvantaged persons in employment, housing and public services.

Essentially, the reorganization involves merging and consolidating the Human Relations/Youth Resources Department within the Health and Human Services Department. The efficiencies in this consolidation will result in better coordination and expansion of a range of human services provided by the Town. The existing Human Services Coordinator position will be expanded to become the Human Relations and Human Services Administrator. An additional professional position will be created to

manage human relations and human services programming and to support the Administrator in staffing the Human Relations/Youth Resources Commission and other related citizen committees, including the Women’s Commission and the Commission for the Disabled. In addition to making sense organizationally, the reorganization proposal results in a positive budget consequence: a budget savings of \$42,000 will be realized through the reorganization.

ARTICLE 10

Submitted by: Petition of Brooks A. Ames, Bobbie Knable, Frank Farlow, Mariela Ames, Larry Onie, and Arthur Wellington Conquest III

The Article seeks to amend the General By-laws by changing the name of the Human Relations-Youth Resources Commission and Human Relations-Youth Resources Director to the Human Rights Commission (“Commission”) and Human Rights Director (“Director”). It seeks to clearly reaffirm that the Commission and Director shall be responsible for developing and overseeing the implementation of equal opportunity and affirmative action policies and establishes that the Town shall adopt an affirmative action policy consistent with Governor Deval Patrick’s Executive Order 526.

The Selectmen have indicated that the by-laws are confusing as to the respective responsibilities of the Commission and the Human Resources Board for revising the 1994 Affirmative Action Plan and developing equal opportunity policy. This article proposes to resolve that confusion by clearly placing with the re-named Commission and Director the responsibility for developing and overseeing the implementation of equal opportunity and affirmative action policies. The intent of the article is to reaffirm the Commission and Director’s original standing and authority with respect to issues relating to diversity and equal opportunity.

The Article would provide for the Town to adopt a policy of affirmative action consistent with Executive Order 526, signed by Governor Deval Patrick on February 17, 2011. To that end, it provides, as does Executive Order 526, that the Town shall “identify and eliminate discriminatory barriers in the workplace; remedy the effects of past discriminatory practices; identify, recruit, hire, develop, promote, and retain employees who are members of under-represented groups; and ensure diversity and equal opportunity in all facets, terms, and conditions of Town employment.”

Changes in the names of Commission and Director are intended to more clearly reflect their principle purpose and, as a side benefit, to eliminate the constant confusion between the current names of the Human Relations and Youth Resources Commission and Director and the Human Resources Board and Department.

The petitioners intend to provide an expanded explanation for submission with the combined reports.

ARTICLE 11

Submitted by: Patricia A. Connors

The objective of this article is to clarify procedures relative to Town Meeting resolution notices.

ARTICLE 12

Submitted by: Patricia A. Connors

The objective of this article is to insure that the town disseminate conspicuous notice of the provisions of its Living Wage By-Law on its website.

ARTICLE 13

Submitted by: Dick Benka and Jean Stringham

This article intended to rationalize and clarify the Town's regulations regarding "newsracks," the display and distribution boxes for newspapers and other printed material. Such newsracks, if not properly maintained and located in compliance with Town regulations, can degrade our neighborhoods and compromise pedestrian safety. This article updates and simplifies the newsrack enforcement mechanism. It incorporates procedures that are in conformity with those in other Massachusetts municipalities while also making the newsrack regulations more consistent with our own graffiti by-law.

Section 7.6.2 deals with the issuance of permits for newsracks. Under the current by-law, a newsrack owner can place a newsrack on a public sidewalk or public way without a permit, as long as he or she applies for a permit within 14 days. That 14-day "grace period" and other provisions of the current by-law make the permit requirement virtually unenforceable. The Town has only a single person with the responsibility of enforcing newsrack regulations, in addition to other duties. When a newsrack is discovered without a Town permit, the Town inspector has no way of knowing how long that newsrack has been in place and must return 14 days later and/or monitor applications to determine whether the newsrack has still not been permitted. If the newsrack owner has not applied for a permit, Section 7.6.4(a)(1) of the current by-law requires the Town to issue a notice of violation providing another 10 business days to comply. And then, under Section 7.6.4(b)(1) of the current by-law, the Town must wait yet another 30 days before removing the newsrack. The current procedure creates an almost ludicrous enforcement burden and a two-month delay. The proposed by-law, in conformity with by-laws in various other municipalities, including Medford, Somerville, Salem, Boston and Revere, no longer allows a newsrack to be placed on a street without a permit. It provides that unpermitted, illegally placed newsracks may be removed without the current two-month delay.

In addition, although permits must be renewed every year and the Town provides written reminders to all permit holders, a number of newsrack owners have not renewed their permits in timely fashion. The proposed by-law makes clear that newsracks without valid permits may be removed by the Town, that renewal applications must be filed in timely fashion, that applications must include email addresses (to allow notice by email), that all required fees and fines must be paid before renewal, and that each newsrack must be brought into compliance with the by-law at the time of initial permitting or renewal, or the permit will not be affixed and the newsrack will be removed. Because the Town inspector visits each newsrack to affix the renewal permit, the revised by-law will help to ensure that newsracks at least begin each calendar year in satisfactory condition.

Section 7.6.3(a) and (b) deal with standards for the placement of newsracks. The Town has already, in 2013, begun using a larger permit that can be readily identified from a

distance. In order to facilitate enforcement, the warrant article adds provisions requiring each newsrack to be maintained so that that permit remains visible from a public way. Minor wording changes are also made.

Section 7.6.3(d) has required in general terms that newsracks be maintained “in good repair and clean and safe condition.” The proposed amendment better clarifies this requirement, following the practice of other communities such as Medford, Somerville, and Boston is articulating standards of repair and condition. In addition, the article requires in Section 7.6.4(a) that newsracks be brought into compliance with those standards within 14 days after notice or be subject to removal. This would eliminate the convoluted two-step (10 business days plus 30 days) removal process of the current by-law.

The proposed 14-day notice period prior to removal is slightly more lenient than the removal period of a number of other communities (e.g., Medford, 10 days; Somerville, 10 days; Salem, 10 days; Boston, 10 days; Revere, 3 days). The period has, however, been chosen to ensure conformity with the Town’s graffiti by-law. Under the Town’s graffiti by-law, as set out in Section 8.5.9.4 of the General By-Laws, graffiti on private property must be removed within 14 days after notice from the Town. The proposed change applies the same 14-day period to newsracks, not only to graffiti but also, for the sake of consistency in enforcement, to other violations.

Section 7.6.3(d) also brings the newsrack regulations into conformity with the graffiti by-law in another way. The graffiti by-law requires that graffiti be removed within 14 days. Newsrack owners have, unfortunately, taken to dealing with graffiti by spraying over it with large splotches of black paint, regardless of the color of the newsrack. In many cases, the “cure is worse than the disease.” Conforming to the provisions of the graffiti by-law, the proposed amendment explicitly requires that graffiti be removed. In the case of opaque portions of newsracks, the amendment does allow the alternative of covering graffiti with paint matching the color of the box, but any graffiti on a glass or plastic newsrack window must be removed or the window or newsrack replaced.

Sections 7.6.4 and 7.6.5, as noted above, eliminate convoluted enforcement procedures. They permit newsracks to be removed immediately if they have not been properly permitted. In conformity with a number of other communities, they eliminate the cumbersome “two-step” removal procedure, permitting the Commissioner of Public Works to remove newsracks where the owners have not corrected violations within 14 days. They retain the right of an owner to avoid removal by requesting a hearing within such 14-day period, but make clear that if the violation is upheld, fines will be calculated beginning at the expiration of the 14-day period. The by-law retains provisions that permit immediate removal in the case of potential harm to persons or property or delay in maintenance, repair or construction work.

The warrant article attempts to address problems that have arisen with newsracks in the Town, including owners who have not bothered to renew permits in timely fashion, who have not regularly serviced their newsracks, or who have taken shortcuts in dealing with problems such as graffiti. It makes clear that certain standards of repair must be met. It also eliminates provisions that unnecessarily hamper enforcement, such as the provision

that allows newsracks to be placed on the streets without permits and the cumbersome two-step 10-business-plus-30-calendar-days removal process.

ARTICLE 14

Submitted by: Stanley Spiegel and Nancy Heller

This proposed amendment to the by-laws is a response to an ongoing problem of disorderly behavior that has been disturbing the peace and quiet of residents in affected Town neighborhoods. The intent is to focus attention on the need to deal effectively with this problem. The amended language makes it explicit that disturbing the peace and quiet enjoyment of any residential premises is included within the definition of disorderly behavior, and that such behavior can be dealt with by the police as a non-criminal violation with a proposed specific penalty of \$100.00, increased from the present penalty of \$50.00, rather than as a misdemeanor infraction that would leave the offender with a criminal record.

The amendment also corrects a scrivener's error in Section 8.5.1.

ARTICLE 15

Submitted by: Department of Planning and Community Development

The Planning and Community Development Department is submitting this article with the support of the Selectmen's Zoning By-Law Committee.

The existing definition in Section 2.07(1), Gross Floor Area, in the Zoning By-Law requires that if the height between a finished floor and the ceiling is greater than 12 feet, the area above 12 feet must be accounted for, proportionally, in calculating the total gross floor area for the structure. This provision was included in the By-Law in recognition that, without this, the exterior bulk of several residential buildings had become "bloated" because of the use of multi-story atriums, cathedral ceilings and so on, while still nominally complying with allowable floor area limitations.

Although this was intended to prevent "McMansions" in single-family and two-family residential neighborhoods, it applied to all buildings - commercial, industrial, educational and religious. This warrant article changes that by having it apply only to single- and two-family dwellings and not to non-residential or multi-unit residential buildings.

There are many instances where having a taller floor to ceiling height would be appropriate or even necessary for a building use. For example, in an apartment or commercial building, a lobby could appropriately have a height in excess of 12 feet, and this would enhance the design and character of the building without adversely impacting abutters. Additionally, in a school gymnasium, the ceiling will necessarily be higher than 12 feet to facilitate the use. In a church or synagogue space, a taller and monumental worship space is typical. Where existing buildings abutting a proposed commercial or multi-family building already had first floor heights in excess of 12 feet, imposing a floor-area penalty on a new building could actually encourage a design with anomalous floor and cornice heights. In all these instances, there should not be a penalty by having to count the space above 12 feet in the FAR maximum. It needs to be emphasized that

the massing of any new building would still be controlled by the requirement that it comply with overall building height, yard setback and open space requirements.

ARTICLE 16

Submitted by: Department of Planning and Community Development

The Department of Planning and Community Development is submitting this article with the support of the Selectmen's Zoning By-Law Committee (ZBLC) and the Selectmen's Licensing Review Committee, in order to allow the possibility of in-room cooking facilities for lodging house residents in situations where public health and safety standards and affordability restrictions are met.

The article was initiated following comments received by the Selectmen's Licensing Review Committee, as it considered amendments to the Town's Lodging House Regulations, encouraging the Town to permit lodging house rooms to be equipped with cooking facilities. With the exception of microwaves, Brookline's current regulations prohibit any equipment for heating or cooking food in individual rooms.

Affordable Housing Policy. The Town's supply of traditional lodging houses has diminished significantly over the years, and during the past 15 to 20 years the Town has taken the initiative to preserve this form of affordable housing. It has supported the acquisition and rehabilitation of six lodging houses by nonprofit affordable housing operators. Because of zoning and licensing constraints, these affordable lodging houses have shared kitchens with shared food storage.

A newer model of "enhanced" lodging houses has emerged, allowing limited equipment for heating or cooking food in individual rooms. Such "enhanced" lodging houses are allowed under the State Sanitary Code, and certain lodging houses in Boston provide individual cooking facilities. For lower-income individuals who make lodging houses their long-term homes, the ability to control the purchase, storage and preparation of one's food is more than an amenity, but critical to good health and to budget control. The ZBLC heard from a nonprofit affordable housing operator, who reported how much residents appreciated the facilities for in-room cooking in a lodging house it recently redeveloped in Boston.

As a matter of affordable housing policy, the town's Housing Advisory Board has encouraged the change. Moreover, the town's principal partner in subsidizing affordable housing -- the Commonwealth's Department of Housing and Community Development -- has made this model of "enhanced" single room occupancy housing a priority when it funds the preservation/ development of affordable lodging houses. The proposed zoning change would thus enhance the ability of nonprofit housing operators to secure funding, thereby furthering the town's goal of expanding affordable housing options. Indeed, the ZBLC heard that the proposed zoning change may be of immediate benefit to one such project.

Why Not Include Market-Rate Units? The ZBLC considered another option -- permitting cooking facilities in all buildings that might be characterized as lodging houses under our Zoning By-Law. It rejected that option, recommending instead that the change -- initially

at least -- be limited to affordable units as defined in the proposed by-law. This decision was informed by the potential unintended adverse consequences of a broader change.

Under the town's Zoning By-Law and the town's licensing regulations, bed and breakfast establishments are identified as "lodging houses." There was concern about the implications of allowing cooking facilities in individual rooms occupied by high-turnover transient residents who would neither value the B&Bs as their homes nor necessarily be attuned to safety issues.

Moreover, if individual cooking facilities were permitted without the proposed income limitation, the "lodging house" definition in both the Zoning By-Law and the town's licensing regulations (which can, of course, be modified at any time without any Town Meeting review) could be stretched to encompass market-rate apartment units. This could have a significant impact on the town given parking requirements under the Zoning By-Law.

Under the Zoning By-Law, multi-family apartments require 2 spaces per unit, whereas "lodging houses" require only 2 parking spaces for every ten units. The ZBLC is confident that the reduced "lodging house" parking requirement is adequate for affordable units. On the other hand, the ZBLC was not confident that 2 spaces for every 10 units would provide adequate off-street parking for the cars associated with market-rate lodging houses, even if they were small units occupied by one person. This absence of adequate parking could create significant problems in the town.

The current parking requirement for multi-family apartments is likely too high for small units. For example, the May, 2011 Town Meeting reduced the parking requirement at the "Red Cab" site on Route 9 to one space for market-rate units of less than 500 square feet. The "Red Cab" requirements, however, are not necessarily appropriate for all locations within the town, given disparities in access to public transportation. The appropriate town-wide zoning treatment of small market-rate units is a matter for another day. The change proposed in this warrant article will improve the town's capacity to add quality, long-term affordable housing opportunities now, without foreclosing further examination of the appropriate treatment of small, market-rate units in the future.

Safety Issues. With input by members of the Fire, Building, and Health Departments which regularly inspect lodging houses, the Licensing Committee agreed that cooking in rooms could be allowed where buildings/rooms conformed to regulations addressing maximum occupancy, minimum square footage, proper equipment and electrical service (e.g., no gas appliances), venting, and appropriate fire safety equipment and egress. Existing, older lodging houses are not likely to meet the new anticipated standards without significant capital improvements.

Any approval for in-room cooking would be part of the case-by-case review by the Board of Selectmen. As the local licensing authority, the Board of Selectmen approves both applications for new lodging house licenses and the annual renewal of existing licenses. The Board's review and consideration of these applications are informed by the reports of the Building, Health, Fire and Police departments. The Zoning By-Law Committee would not have proceeded with this proposal without the approval of those departments,

and is pleased to recommend a zoning change that will advance the Town's commitment to long-term affordable housing.

ARTICLE 17

Submitted by: Department of Planning and Community Development

The Planning and Community Development Department is submitting this article with the support of the Selectmen's Zoning By-Law Committee. It provides a moratorium on the sale of medical marijuana or related uses until the state has adopted its regulations regarding such uses and the town has had the opportunity to formulate its own zoning requirements consistent with the state regulations.

An initiative petition titled "Law for the Humanitarian Medical Use of Marijuana" (Petition #11-11) was approved by the Massachusetts voters in the November 6, 2012 general election. More than 70 percent of Brookline voters approved the law. The law took effect on January 1, 2013.

The new law defines a "medical marijuana treatment center" as a Massachusetts not-for-profit entity, registered under the new law, 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. The new law enables the Massachusetts Department of Public Health (DPH) to register up to 35 such centers within the first year of enactment, with a minimum of one and a maximum of five located within each county. DPH is required to promulgate regulations for registration and administration of such centers within 120 days of enactment, *i.e.*, by May 1, 2013.

Thus far, the production and distribution of marijuana for medical use has been legalized in 18 states and the District of Columbia. Laws and regulations vary state by state, and at present there is no way for municipalities in Massachusetts to predict the nature of local regulation that the DPH might permit, prohibit or even encourage. Such local regulation could involve not only zoning but also other matters such as licensing and Health Department inspection.

Given that the system for regulating medical marijuana treatment centers at the state level is not yet clear, and that the town has not had the opportunity to study and discuss the public health, safety, general welfare and land use implications of the new law in light of state regulations, it would be beneficial to establish an interim restriction on the establishment of such centers. This would provide the town with the opportunity to review the state DPH regulations once they are enacted, and to develop a consistent and complementary framework for regulating such treatment centers under the Brookline Zoning By-Law and through any other local regulations as may be appropriate.

ARTICLE 18

Submitted by: Department of Planning and Community Development

The Planning and Community Development Department is submitting this article with the support of the Selectmen's Zoning By-Law Committee. In summer 2012, it became

apparent that Use Category #15, Day Care Center, conflicted in part with MGL Chapter 40A, Section 3, which states that day care centers must be allowed in all zoning districts and that requiring a special permit for the use is not allowed. To provide time to amend this use category and adopt safeguard requirements that should be attached to the day care use, the Planning and Community Development Department submitted a warrant article to the fall 2012 Town Meeting. That article, which was approved, added Sec. 9.12, Administrative Review for Day Care Centers, to the Zoning By-Law. That section requires all day cares, whether a facility or a home day care, to submit information to the Departments of Planning and Community Development, Building, Transportation, Public Health, and Parks and Open Space, about operating characteristics, number of children and employees, outdoor play space, parking and drop-off/pick-up parking spaces. Although the submission materials are mandatory, the recommendations from these departments are non-binding. However, applicants often voluntarily incorporate recommendations for improvements to operations and safety which they might not have otherwise considered.

This day care zoning amendment proposes to change the use columns and definition of Use 15 to conform to the state statute by allowing day care facilities in all zoning districts and adds a reference, for completeness, to Sec.6.02.4.a. and c., parking regulations relevant to child care use, and to Sec. 9.12, Administrative Review For Day Care Centers, as discussed above.

Although day care use cannot be prohibited, the state statute does allow “reasonable regulations concerning the bulk and height of structures and determining yard sizes, lot area, setbacks, open space, parking and building coverage requirements.” Under the case law interpreting similar “reasonable regulation” provisions for educational and religious institutions, such existing restrictions for zoning districts (e.g., parking requirements or FAR regulation of bulk) may be applied, but with limitations defined by the case law. Thus, for example, an accommodation and balance must be sought between, on the one hand, advancing legitimate Town zoning concerns, such as protecting the character or well-being of the adjacent neighborhood, providing adequate parking, and addressing traffic congestion and safety, and, on the other hand, ensuring that those regulations do not in effect “nullify” or prohibit the use, substantially diminish the usefulness of a proposed structure, or impose excessive costs of compliance and thus become unreasonable.

Beyond the generally applicable zoning regulations of bulk, height, lot area, setbacks, open space and parking, this article focuses on two issues of particular relevance to day care centers: parking and open space. The Zoning By-Law already accommodates day care and other institutional uses for children 15 and under by allowing them to provide only 1/3 of the usual institutional parking requirements. This proposed amendment adds a requirement that parking spaces for safe drop-off and pick-up be provided to the satisfaction of the Director of Engineering/ Transportation. The location of such spaces is critical not only to traffic congestion and safety, but also to the safety of the children, their parents and guardians, day care staff and other children in the area. Also added is a provision, such as that already applicable to educational uses, allowing the parking requirement for day care use to be reduced by special permit if found warranted.

Another important issue for day care centers is having adequate outdoor play space for the children. The Zoning By-Law already provides for noise control when such open space is on-site. If the day care facility does not have adequate open space on-site, the children are usually taken to a nearby public park or playground. The Parks and Recreation Department currently has a program where child care facilities are given time slots for the use of busier public parks in order to prevent overcrowding. Therefore, also added at the end of the use definition is a proviso that if there is no adequate on-site outdoor play space and a public playground is to be used, its use must be approved by the Director of Parks and Open Space and the Director of Public Health, or designees.

The Planning and Community Development Department is not recommending the deletion of the newly approved Sec. 9.12, Administrative Review for Day Care Centers, because there could be instances where a child care facility does not need zoning relief and this would provide an avenue for review. Also, Sec. 9.12 applies to Accessory Uses 60A and B, Small and Large Family Day Cares, in homes. The state statute allows cities and towns to regulate family day care if it so chooses. Additional regulations for these uses were recently adopted by Town Meeting and can be found in Sec. 4.05, Restrictions on Accessory Uses in Residence Districts.

In summary, this proposed zoning amendment will bring the town's Zoning By-Law into conformance with the state regulations, provide appropriate safeguards for child care facilities, and prevent over-crowding of the public parks.

ARTICLE 19

Submitted by: Michael Maynard, Coolidge Corner Theater Foundation Board of Trustees

The Coolidge Corner Theatre Foundation ("CCTF") is seeking to expand its historic facilities at 290 Harvard Street. The existing facility is in need of additional lobby space, concessions, bathrooms, and holding areas for patrons waiting to enter the auditoriums. Equally important, CCTF believes that a third full size screening auditorium, which allows for three feature films to be exhibited simultaneously, will enable more first-run content to be available for our patrons, allowing us to better compete in this ever changing industry and ensuring the long term viability of our community movie house.

In order to explore any expansion at the back of the building, a portion of an easement granted by the theater to the Town in 1964 would need to be relinquished, with a critical portion being re-granted to the Town. Additionally, CCTF requests that the Town enter into a lease for the use of air rights over Town owned property. These air rights are necessary to fully realize the project vision of a second floor auditorium whose cantilever would also protect the patrons on the sidewalk below from inclement weather. Town Meeting approval of these requests is necessary prior to CCTF engaging in any design development process, zoning and community approval process, and fundraising efforts. Any approval from Town Meeting would be escrowed with the Town until any necessary approvals are granted.

ARTICLE 20

Submitted by: Michael Maynard, Coolidge Corner Theater Foundation Board of Trustees

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ARTICLE 21

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ARTICLE 22

Submitted by: Michael Sanders and Christopher Dempsey

Transit Signal Priority is the application of subtle changes to traffic light timing in order to assist the passage of transit vehicles. It gives transit vehicles a little extra green time or

a little less red time at intersections, to reduce the time they are slowed down by traffic signals.

Transit Signal Prioritization is a tool that improves the ability of transit vehicles and automobiles to safely and effectively share limited road space. Transit Signal Prioritization facilitates the movement of transit vehicles through signal-controlled intersections by means of an integrated communication system.

Transportation engineering studies have shown that Transit Signal Prioritization can reduce transit delays by up to 40% and improve travel times by up to 20%.

Transit Signal Prioritization is a safe and cost-effective way to make transit service faster and more reliable, with limited impact on automobiles. This technology has been proven effective over many decades, and is in place in cities including: New York; Chicago, Portland, OR; Baltimore; Los Angeles; Palo Alto, CA, and many more cities in other countries.

Transit Signal Prioritization minimizes impact to single-occupancy vehicles by extending or pre-empting signals without disrupting normal traffic cycles. By enabling faster trip times and improving reliability for trolleys, Transit Signal Prioritization will encourage discretionary drivers to use transit, reducing demand for limited space on our streets and improving local air quality.

How Does Transit Signal Prioritization Work?

Equipment mounted on the approaching trolley or on the trolley tracks monitors the location of trolleys and broadcasts a secure, encoded request to detection equipment at the intersection.

Intersection-based detection equipment communicates with a priority request generator in the traffic signal network.

The priority request generator validates the request and alerts the traffic control system.

The traffic control system software processes the request and provides a priority green light through normal traffic operations for the approaching vehicle.

Will this work on Beacon Street?

The MBTA's C Line serves more than 14,000 riders per day. More than 35% of commuters living in the Beacon Street corridor use transit. Improving the efficiency of the C Line could save up to 5 minutes per trip for the thousands of Brookline residents and visitors who rely on the C Line on a daily basis.

Transit Signal Prioritization would require the cooperation of the Town of Brookline, the MBTA, and the Massachusetts Department of Transportation. The MBTA is familiar with Transit Signal Prioritization – it is moving ahead with plans to bring signal prioritization to the Green Line's B and E branches. While these efforts are in the early

stages, it is important for Brookline to show its support for investigating whether Transit Signal Prioritization is appropriate for Beacon Street.

The implementation of Transit Signal Prioritization would not disrupt users of Beacon Street or residents living on or near the corridor. While Transit Signal Prioritization may require the installation of hardware on MBTA vehicles or inside existing traffic signal control boxes, it does not require the type of long-term heavy construction that has disrupted Beacon Street residents and users over the course of the last decade.

What does this resolution do?

As submitted, this resolution requires the Town to further study Transit Signal Prioritization on the Beacon Street corridor. The resolution requires that the Town include appropriate funds in the 2015 budget it submits to Town Meeting, not the one submitted for the approval of the May 2013 Town Meeting. This resolution neither appropriates funds nor does it require that Transit Signal Prioritization be implemented.

By supporting this measure, you are supporting the idea that Transit Signal Prioritization could be a benefit to the Town, and is worthy of further study to ensure that the technology is safe, economically feasible, and fair to all users of the Beacon Street corridor.

ARTICLE 23

Submitted by: Carol Oldham

Recently it has become apparent that that pipeline companies Exxon and Enbridge are reviving a pipeline plan that would take tar sands oil through New England¹. The plan would reverse the direction of oil flowing through an aging pipeline that runs from Montreal Canada to Portland Maine, pumping Canadian tar sands oil, the dirtiest oil on the planet.

¹ **Natural Resources Defense Council, *Going in Reverse: The Tar Sands Oil Threat to Central Canada and New England* (2012)**

The Plan to Pump Tar Sands Through Eastern Canada and New England



The pipeline project would transport tar sands oil through some of the most important natural and cultural places in Ontario, Quebec, Vermont, New Hampshire, and Maine. Areas the pipeline puts at risk include the Saint Lawrence River, the most important river in eastern Canada and a seasonal home for blue whales; the Androscoggin River, a New England waterway popular with anglers and paddlers as well as bald eagles, black bears, and moose; and Sebago Lake, home to native landlocked Atlantic salmon and a major drinking water resource for Portland, Maine's largest city². As Nobel Laureate Jody Williams said in a recent Boston Globe op-ed "Tar sands oil is dirty, and they don't want it their backyard. And I don't want it in mine."³

An oil spill in these areas could devastate wildlife, pollute water, and compromise the health of local residents. Pipeline spills can and do occur, and there are indications that tar sands oil spills are far more prevalent than conventional oil spills. A tar sands spill near rivers, lakes, and other water bodies causes much more harm than a conventional oil spill because tar sands oil can sink and seriously complicate cleanup efforts⁴.

Tar sands oil causes damage even before it gets in pipelines. The extraction and processing of tar sands oil requires a vast and destructive industrial operation. It razes and fragments large swaths of the Boreal forest, and burns enough energy to make tar sands oil production the fastest growing contributor to Canada's greenhouse gas emissions. It also harms the public health of communities located near oil refineries, including First

² Natural Resources Defense Council, *Going in Reverse: The Tar Sands Oil Threat to Central Canada and New England* (2012) 10-11.

³ The Podium "Keep dirty oil out of New England" By Jody Williams, January 29, 2013

⁴ Natural Resources Defense Council, Pipeline Safety Trust, National Wildlife Federation, Sierra Club, *Tar Sands Pipeline Safety Risks* (2011)

Nations⁵. Transporting tar sands on this new route would only bring risks to Eastern Canada and New England.

The 60+ year-old pipeline runs over many waterways, including the Connecticut River - which flows in Vermont, New Hampshire, Massachusetts, Connecticut. More than 400 miles long, the Connecticut River is the mightiest river in New England and an American Heritage River. The river drains about one third of New England's landscape and provides 70 percent of all freshwater inflows to Long Island Sound⁶. The pipeline crosses the Connecticut River at Guildhall, Vermont, just north of the popular Moore Reservoir. An oil spill could have far-reaching impacts to a variety of wildlife including the American shad and black duck which is increasingly declining and threatened by hybridization with mallards⁷.

Tar sands oil is a problem not just for local communities involved in the mining, refining, and transporting. Tar sands are known as "the world's dirtiest oil" because the climate emissions are significantly higher than for conventional crude oil⁸. In a comparison of production emissions only, the per-barrel greenhouse gas emissions associated with oilsands extraction and upgrading are estimated to be 220 to 350 per cent higher than conventional crude oil produced in Canada or the United States⁹. It is estimated that Canada's climate emissions due to fuel will double from 2000 levels by 2020, because of tar sands oil¹⁰. Once tar sands oil is flowing through this pipe, it would be politically difficult to turn it off. Backing away from a major climate polluter like this would be hard once the investment has been made.

This pipeline matters here for two reasons - Passing this resolution through Brookline Town Meeting will send a powerful signal to the companies that want to bring this "dirtiest oil" to the region. It will also send a signal to the statehouse, the governor's office, and to our representatives in DC that on the local level, people want to stand up against climate change and for cleaner energy.

And even more significantly, Brookline has made a major commitment to tackling climate change already – this is simply another step towards making our voice heard and being a leader on this important issue. As far back as April 25, 2000 (the forefront of

⁵ Environmental Defense, *Dirty Oil, Dirty Air: Ottawa's Broken Pollution Promise* (2010).

⁶ Peter Alden and Brian Cassie, National Audubon Society Field Guide to New England (New York: Alfred A. Knopf, 1998), p. 13. Connecticut River Watershed Council, "The Connecticut and its tributaries," http://www.criver.org/our_region_and_rivers/about_our_rivers/index.html (accessed April 12, 2012). Connecticut River Watershed Council, "Watershed Facts," http://www.criver.org/our_region_and_rivers/river_facts/index.html (accessed April 12, 2012).

⁷ U.S. Fish and Wildlife Service, Silvio O. Conte National Fish and Wildlife Refuge Final Action Plan and Environmental Impact Statement, October 1995. http://www.fws.gov/r5soc/library/natural_resources/watershed_species.doc

⁸ Pembina's life cycle assessment checklist (Dan Woynillowicz, Jeremy Moorhouse and Danielle Droitsch, Life cycle assessments of oilsands greenhouse gas emissions (Pembina Institute, 2011).

⁹ Adam Brandt, Upstream greenhouse gas (GHG) emissions from Canadian oilsands as a feedstock for European refineries, Executive summary. (Department of Energy Resources, Stanford University, 2011), 41-42.

¹⁰ Environment Canada National Inventory (1990-2008), Environment Canada GHG Forecast 2011

climate action), the Brookline Board of Selectmen passed a resolution acknowledging that “greenhouse gases released into the atmosphere will have a profound effect on the Earth’s climate.” From making a robust climate action plan to the ongoing work of the Climate Action Committee to becoming a green community, Brookline has made a strong commitment.

This resolution states that because of climate change concerns from tar sands as well as spill risks and production issues like boreal forest destruction, Brookline will endeavor to move away from fossil fuels in general and tar sands oil in particular and move towards more sustainable and less polluting fuels like renewable energy. It also states that Brookline encourages the state of Massachusetts and other cities and states in the Northeast to do the same. And lastly, it resolves that Brookline will transmit a copy of this resolution to various elected and appointed representatives, including the President of the United States, the Massachusetts State Congressional delegation, the Governor of Massachusetts, the CEOs of involved pipeline companies, the Prime Minister of Canada, and the Provincial Premiers of Canada. Those parties represent the other states, elected and appointed individuals, and companies who have a stake in this issue.

ARTICLE 24

Any reports from Town Officers and Committees are included under this article in the Combined Reports. Town Meeting action is not required on any of the reports.