

Bernard W. Greene – Chair
David Pearlman – Vice Chair
John VanScoyoc
Paul Warren
Michael Rubenstein
Charles Carey – Town Administrator



Select Board Hearing Room
6th Floor, Brookline Town Hall

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Select Board Agenda Regular Meeting

Tuesday, April 21, 2026 at 5:30 PM

REVISED AGENDA; UPDATED PETITIONERS ON ARTICLE 23

2ND REVISION; ARTICLES 8 AND 23 HAVE BEEN MOVED TO A FUTURE AGENDA

1. (5:30 PM) Warrant Articles - Public Hearing

- 1a. Article 5. Budget Amendment (Select Board)
- 1b. Article 10. AC Committee Assignments (Committee on Town Organization and Structure)
- 1c. Article 14. To see if the Town will amend the Brookline Zoning By-Law (Jonathan Klein, et al.)
- 1d. Article 15.
To see if the Town will amend Section 4.08, Paragraph 4, Subsection (d) of the Brookline Zoning Bylaw (Inclusionary Zoning) as follows (Deleted Language is ~~crossed out~~, added language is in ***bold italics***):

d. For Projects that upon completion will create fewer than ~~11~~ **20** additional Dwelling Units and are not located in the Harvard Street Main Street Corridor districts (H-MS, H-MS-O, H-MST, H-MSN), the applicant may choose to make a Cash in Lieu of Units Payment to the Affordable Housing Trust Fund as provided in the Affordable Housing Standards and Guidelines in lieu of providing units on-site.(Lebovitz, TMM8, et al.)
- 1e. Article 16. Pleasant Street Overlay District (Jeffrey Allen)

2. Warrant Articles - Continued

- 2a. Article 9. Annual (FY27) Community Preservation Act Fund Appropriations (Community Preservation Act Committee)
- 2b. Article 12. To see if the Town will add Article X.X "XXX" of the Town's General By-law as follows
ARTICLE X.X

SECTION X.X.X Transparency of Public Record Request and Responses

The Town shall ensure that all Public Record requests made of the Town of Brookline as well as all responses — except those subject to a statutory exclusion — are made publicly available via the Town’s website as soon as practicable but no later than 14 days after either the Town receives a request or the Town issues a response. (Toffel, TMM; Lebovitz, TMM8)

- 2c. Article 21. Resolution expressing support for the Massachusetts Medicare for All legislation (Labaree)

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ARTICLE 5

FIFTH ARTICLE

Submitted by: Select Board

To see if the Town will:

- A) Appropriate additional funds to the various accounts in the fiscal year 2026 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 Select Board, 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

PETITIONER'S ARTICLE DESCRIPTION

The purpose of this article is to make any year-end adjustments to the current year (FY26) budget. This article may also be used for the Golf Enterprise Fund in order to access retained earnings as a contingency for the construction project at the course.

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

SELECT BOARD

Bernard Greene, Chair
David Pearlman, Vice Chair
John VanScoyoc
Paul Warren
Michael Rubenstein



333 Washington St.
Brookline, MA 02245
SelectBoard@BrooklineMA.gov
617-730-2200

Memorandum

To: Select Board
Advisory Committee
From: Melissa Goff, Deputy Town Administrator
Date: April, 14 2026
Re: **FY26 Budget Amendment**
CC: Charles Carey, Town Administrator
Erin Chute, Public Works Commissioner
John Sullivan, Fire Chief

Article 5 of the 2026 Annual Town Meeting provides the mechanism to make adjustments to the FY2026 budget. The article is required to address two outstanding items:

1. Year-end adjustments to the current year (FY26) budget for the Golf Enterprise Fund.
2. Re-allocation of funds to address projected deficits in the Fire Department and Snow and Ice budgets.

GOLF ENTERPRISE FUND

This article proposes to allow the Golf Enterprise Fund to utilize retained earnings within the Fund to address a revenue shortfall caused by the Master Plan drainage construction project and a harsher than average winter. The construction project scope is more extensive than was originally estimated during the FY26 budget development and is requiring the closure of the front nine holes until early May. Due to some construction efficiency planning during the bid development phase, the scope of the project was able to address drainage deficiencies across the entire golf course rather than 1/3 that was originally estimated. While this will result in less overall disruption (1 year instead of 3 consecutive years) the work did have an impact on the anticipated activity for FY2026. It is early in the second half of the season, and in an effort to be conservative, the recommendation is to use \$200,000 in retained earnings to support a potential revenue shortfall. If the Fund does not need the full amount, it will revert back to retained earnings at the end of the year.

PROJECTED YEAR-END DEFICITS

The combination of a heavier than average snow year and the projected Fire Department deficit are anticipated to consume almost the entirety of the Town's operating reserve fund. We have also needed to use the Reserve Fund to address work needed at the Transfer Station (\$300K, previously approved) and the follow-up report from Clifton Larson Allen (\$25K, also approved). In order to provide

relief to the Reserve Fund for the remainder of the fiscal year. I am recommending that funding set aside in the Select Board’s Contingency Account be accessed to address both the Fire Department Deficit and Snow and Ice budgets. As you may recall, at the end of the FY2026 budget process the Town set aside funding previously in the Capital Improvement Plan (CIP) in the event it was needed to close the School Department’s FY2026 budget gap. The School Department ended up closing their 2026 gap using Circuit Breaker funds. These funds were previously allocated to support the design work for the New Lincoln School Grounds, but that project is fully funded in the FY2027 CIP, so they are available to address these FY2026 deficits.

RECOMMENDED VOTE

VOTED: That the Town amend Section 6 (Golf Enterprise Fund) of Article 9 of the 2025 Annual Town Meeting so it reads as follows (new language in bold and underlined):

6.) GOLF ENTERPRISE FUND: The following sums, totaling \$3,234,459 shall be appropriated into the Golf Enterprise Fund, and may be expended under the direction of the Park and Recreation Commission, for the operation of the Golf Course:

Salaries	\$985,759
Purchase of Services	\$446,535
Supplies	\$508,047
Other	\$10,600
Utilities	\$145,595
Capital	\$405,500
Debt Service	\$210,000
Reserve	<u>\$225,000</u>
Total Appropriations	\$2,937,036
Indirect Costs	<u>\$297,423</u>
Total Costs	\$3,234,459

Total costs of \$3,234,459 to be funded from golf receipts and a transfer of \$200,000 from Golf Enterprise retained earnings with \$297,423 to be reimbursed to the General Fund for indirect costs.

VOTED: That the Town:

- 1. Amend the FY2026 budget as shown below, and in the attached tables 1 & 2:

<u>Item #</u>	ORIGINAL BUDGET	PROPOSED CHANGE	AMENDED BUDGET
11. Fire	\$19,240,336	\$860,000	\$20,100,336

Department			
13f. Public Works Snow and Ice	\$450,205	\$110,000	560,205
31. Contingency Fund	\$980,000	-\$970,000	\$10,000

END OF DOCUMENT

FY2026 BUDGET - TABLE 1 MAY 2026

		FY22 ACTUAL	FY23 ACTUAL	FY24 ACTUAL	FY25 BUDGET	FY26 BUDGET	PROPOSED AMENDMENTS	FY26 AMENDED BUDGET	\$\$ CHANGE FROM FY25	% CHANGE FROM FY25
	REVENUES									
	Property Taxes	272,124,853	278,728,673	297,973,561	312,197,674	331,536,401		331,536,401	19,338,727	6.2%
	Local Receipts	36,614,449	43,007,165	44,706,915	33,050,910	34,886,166		34,886,166	1,835,256	5.6%
	State Aid	22,825,559	23,230,992	23,970,474	24,806,774	25,915,570		25,915,570	1,108,796	4.5%
	Free Cash	10,401,890	11,606,813	20,008,705	22,422,386	21,303,316		21,303,316	(1,119,070)	-5.0%
	Other Available Funds	3,329,073	4,307,848	4,407,669	7,029,580	4,948,498		4,948,498	(2,081,082)	-29.6%
	TOTAL REVENUE	345,295,823	360,881,491	391,067,324	399,507,324	418,589,950	0	418,589,950	19,082,626	4.8%
	EXPENDITURES									
	DEPARTMENTAL EXPENDITURES									
	1 . Select Board	773,860	924,754	984,567	1,060,758	1,047,233		1,047,233	(13,525)	-1.3%
	2 . Human Resources	619,381	576,031	797,230	666,689	772,264		772,264	105,575	15.8%
	3 . Information Technology	1,893,914	2,184,289	2,260,932	2,432,761	2,654,440		2,654,440	221,679	9.1%
	4 . Diversity, Inclusion, and Community Relations	335,627	317,730	344,029	427,790	440,785		440,785	12,995	3.0%
	5 . Finance Department	3,222,472	3,569,435	3,603,228	3,591,363	3,652,217		3,652,217	60,854	1.7%
	a. Comptroller	713,961	774,120	785,197	770,957	808,341		808,341	37,384	4.8%
	b. Purchasing	707,143	786,200	801,590	813,617	798,555		798,555	(15,062)	-1.9%
	c. Assessing	573,644	653,103	708,568	712,723	739,224		739,224	26,501	3.7%
	d. Treasurer	1,227,724	1,356,012	922,947	833,091	842,907		842,907	9,816	1.2%
	e. Payroll	0	0	384,925	460,975	463,190		463,190	2,215	0.5%
	6 . Legal Services	1,033,710	1,008,238	1,024,613	1,198,619	1,141,759		1,141,759	(56,860)	-4.7%
	7 . Advisory Committee	20,242	26,830	24,607	30,916	31,427		31,427	511	1.7%
	8 . Town Clerk	530,082	918,186	851,436	1,322,376	755,034		755,034	(567,342)	-42.9%
	9 . Planning and Community Development	1,217,769	1,427,331	1,352,453	1,608,850	1,577,440		1,577,440	(31,410)	-2.0%
	10 . Police	17,023,052	17,442,761	19,911,042	19,167,445	21,140,066		21,140,066	1,972,621	10.3%
	11 . Fire	18,134,442	17,541,954	19,817,448	19,144,688	19,240,336	860,000	20,100,336	955,648	5.0%
	12 . Building	9,859,939	10,649,313	11,382,889	12,261,034	12,334,359		12,334,359	73,325	0.6%
(1)	13 . Public Works	16,736,731	16,640,924	17,686,669	18,813,556	20,565,454		20,565,454	1,751,898	9.3%
	a. Administration	946,587	950,773	960,610	2,130,176	2,145,316		2,145,316	15,140	0.7%
	b. Engineering/Transportation	1,230,447	1,379,604	1,533,898	1,493,960	1,532,729		1,532,729	38,769	2.6%
	c. Highway	4,932,637	5,159,231	5,255,133	5,296,276	5,221,353		5,221,353	(74,923)	-1.4%
	d. Sanitation	3,665,056	4,052,281	4,445,925	5,041,209	6,592,329		6,592,329	1,551,120	30.8%
	e. Parks and Open Space	3,806,730	4,182,354	4,564,208	4,441,730	4,623,522		4,623,522	181,792	4.1%
	f. Snow and Ice	2,155,274	916,682	926,895	410,205	450,205	110,000	560,205	150,000	36.6%
	14 . Library	4,507,116	4,246,166	4,550,548	4,632,191	4,687,400		4,687,400	55,209	1.2%
	15 . Health and Human Services	1,567,071	1,362,113	1,479,287	1,558,622	1,627,705		1,627,705	69,083	4.4%
	16 . Veterans' Services	266,038	280,334	270,914	317,508	299,652		299,652	(17,856)	-5.6%
	17 . Council on Aging	950,900	986,418	1,154,058	1,250,256	1,321,580		1,321,580	71,324	5.7%
	18 . Recreation	1,071,638	1,129,183	1,168,053	1,207,130	1,249,441		1,249,441	42,311	3.5%
(2)	19 . Personnel Services Reserve	715,000	715,000	1,032,493	1,197,473	946,934		946,934	(250,539)	-20.9%
(2)	20 . Collective Bargaining - Town	1,206,587	2,448,238	838,900	3,218,160	3,383,447		3,383,447	165,287	5.1%
	Subtotal Town	81,685,571	84,395,228	90,535,395	95,108,188	98,868,973	970,000	99,838,973	4,730,784	5.0%
	21 . Schools	121,641,293	125,613,878	130,701,976	136,847,619	142,792,591		142,792,591	5,944,972	4.3%
	22 . Vocational Education Assessments	2,200	0	0	15,000	15,000		15,000	0	0.0%
	Subtotal Education	121,643,493	125,613,878	130,701,976	136,862,619	142,807,591		142,807,591	5,944,972	4.3%
	TOTAL DEPARTMENTAL EXPENDITURES	203,329,064	210,009,106	221,237,371	231,970,807	241,676,563	970,000	242,646,563	10,675,756	4.6%
	NON-DEPARTMENTAL EXPENDITURES									
(1)	23 . Employee Benefits	70,589,374	74,197,393	78,009,069	88,508,319	90,794,899		90,794,899	2,286,580	2.6%
(3)	a. Pensions	28,490,221	30,557,924	33,142,728	37,488,687	38,070,807		38,070,807	582,120	1.6%
	b. Group Health	32,753,010	33,930,059	34,710,767	38,033,210	41,625,292		41,625,292	3,592,082	9.4%
(3)	c. Retiree Group Health Trust Fund (OPEB's)	4,181,980	4,431,980	4,681,980	5,431,980	4,931,980		4,931,980	(500,000)	-9.2%
	d. Group Life	127,365	123,646	121,652	148,625	148,625		148,625	0	0.0%
	e. Disability Insurance	53,401	41,775	45,295	46,000	46,000		46,000	0	0.0%
(3)	f. Worker's Compensation	1,850,000	1,850,000	2,193,656	2,200,000	2,200,000		2,200,000	0	0.0%
(3)	g. Public Safety IOD Medical Expenses	0	275,000	275,000	950,000	350,000		350,000	(600,000)	-63.2%
(3)	h. Unemployment Compensation	525,000	250,000	0	0	0		0	0	-
	i. Medical Disabilities	11,103	13,984	11,737	40,000	40,000		40,000	0	0.0%
	j. Medicare Coverage	2,597,294	2,723,025	2,826,254	3,169,818	3,382,196		3,382,196	212,378	6.7%

		FY22 ACTUAL	FY23 ACTUAL	FY24 ACTUAL	FY25 BUDGET	FY26 BUDGET	PROPOSED AMENDMENTS	FY26 AMENDED BUDGET	\$\$ CHANGE FROM FY25	% CHANGE FROM FY25
	<i>k. Accrued Liabilities Trust</i>	0	0	0	1,000,000	0		0	(1,000,000)	-
(2)	24 . Reserve Fund	3,741,209	2,146,341	1,461,843	3,345,681	3,415,094		3,415,094	69,413	2.1%
	25 . HCA Reserve Fund	0	0	0	0	0		0	0	-
	26 . Stabilization Fund	2,829,788	3,500,000	4,500,000	2,500,000	3,500,000		3,500,000	1,000,000	40.0%
	27 . Affordable Housing	80,737	427,010	0	2,146,596	1,683,203		1,683,203	(463,393)	-21.6%
	28 . Liability/Catastrophe Fund	81,223	132,489	381,006	127,448	602,233		602,233	474,785	372.5%
	29 . General Insurance	808,202	1,022,663	1,172,024	1,437,626	1,559,824		1,559,824	122,198	8.5%
	30 . Audit/Professional Services	135,500	113,500	148,500	149,000	149,000		149,000	0	0.0%
(5)	31 . Contingency Fund	8,185	8,388	6,983	10,000	980,000	(970,000)	10,000	0	0.0%
	32 . Printing of Warrants & Reports	48,786	140,826	60,516	50,000	50,000		50,000	0	0.0%
	33 . MMA Dues	13,490	13,760	14,035	15,334	15,717		15,717	383	2.5%
	<i>Subtotal General</i>	<i>7,747,120</i>	<i>7,504,977</i>	<i>7,744,907</i>	<i>9,781,685</i>	<i>11,955,071</i>	<i>(970,000)</i>	<i>10,985,071</i>	<i>1,203,387</i>	<i>12.3%</i>
(1)	34 . Borrowing	34,262,603	35,445,846	35,718,059	36,987,805	43,467,385		43,467,385	6,479,580	17.5%
	<i>a. Funded Debt - Principal</i>	<i>19,262,067</i>	<i>19,923,060</i>	<i>20,613,020</i>	<i>22,172,506</i>	<i>24,826,238</i>		<i>24,826,238</i>	<i>2,653,732</i>	<i>12.0%</i>
	<i>b. Funded Debt - Interest</i>	<i>14,879,854</i>	<i>15,365,780</i>	<i>14,923,518</i>	<i>14,655,299</i>	<i>18,481,147</i>		<i>18,481,147</i>	<i>3,825,848</i>	<i>26.1%</i>
	<i>c. Bond Anticipation Notes</i>	<i>100,500</i>	<i>97,169</i>	<i>46,357</i>	<i>100,000</i>	<i>100,000</i>		<i>100,000</i>	<i>0</i>	<i>0.0%</i>
	<i>d. Abatement Interest and Refunds</i>	<i>20,182</i>	<i>59,837</i>	<i>135,164</i>	<i>60,000</i>	<i>60,000</i>		<i>60,000</i>	<i>0</i>	<i>0.0%</i>
	TOTAL NON-DEPARTMENTAL EXPENDITURES	112,599,097	117,148,216	121,472,035	135,277,809	146,217,356	(970,000)	145,247,356	10,939,547	8.1%
	TOTAL GENERAL APPROPRIATIONS	315,928,161	327,157,322	342,709,407	367,248,616	387,893,919	0	387,893,919	20,645,303	5.6%
	SPECIAL APPROPRIATIONS									
	35 . Host Community Agreement Special Appropriation (transfer)					343,074		343,074		
	36 . Opioid Stabilization Fund (transfer)					327,947		327,947		
	37 . Town BuildingBuilding Rehab/Upgrade (revenue financed)					350,000		350,000		
	38 . Comprehensive Plan (revenue financed)					182,200		182,200		
	39 . Fire Apparatus Rehab (revenue financed)					375,000		375,000		
	40 . Traffic Calming / Safety Improvements (revenue financed)					350,000		350,000		
	41 . Vision Zero Action Plan Design & Implementation (revenue financed)					500,000		500,000		
	42 . Bicycle Access Improvements (revenue financed)					450,000		450,000		
	43 . Parking Meter Replacement Program (revenue financed)					465,000		465,000		
	44 . Street Rehab. (revenue financed)					5,190,000		5,190,000		
	45 . Sidewalk Repair/Reconstruction (revenue financed)					750,000		750,000		
	46 . DPW fleet lateral protective devices (revenue financed)					280,000		280,000		
	47 . DPW facilities study (revenue financed)					250,000		250,000		
	48 . Washington St. Rehab and Complete Streets (revenue financed)					800,000		800,000		
	49 . Big Belly Compacting Waste Stations (revenue financed)					145,000		145,000		
	50 . Griggs Park Design (revenue financed)					2,100,000		2,100,000		
	51 . Playground Equipment, Fields, Fencing (revenue financed)					310,000		310,000		
	52 . Town/School Grounds Rehab (revenue financed)					185,000		185,000		
	53 . Rehab of tennis courts & basketball courts (revenue financed)					200,000		200,000		
	54 . Comfort stations (revenue financed)					25,000		25,000		
	55 . Tree Removal and Replacement (revenue financed)					375,000		375,000		
	56 . Walnut Hills Cemetery Improvements (revenue financed)					100,000		100,000		
	57 . Eliot Recreation Center Improvements (revenue financed)					800,000		800,000		
	58 . School Furniture Upgrades (revenue financed)					75,000		75,000		
	59 . HVAC Equipment (revenue financed)					595,000		595,000		
	60 . Underground tank removal (revenue financed)					135,000		135,000		
	61 . Town/School ADA Renovations (revenue financed)					95,000		95,000		
	62 . Elevator renovations (revenue financed)					1,150,000		1,150,000		
	63 . Town/School Energy Conservation Projects (revenue financed)					225,000		225,000		
	64 . Town/School Energy Management Systems (revenue financed)					220,000		220,000		
	65 . Town/School Bldg Envelope/Fenestration Repair (revenue financed)					900,000		900,000		
	66 . Public Building Fire Alarm Upgrades (revenue financed)					175,000		175,000		
	67 . Town/School Bldg Security / Life Safety Systems (revenue financed)					860,000		860,000		
	68 . Classroom Capacity (revenue financed)					761,948		761,948		
	69 . Stormwater Improvements (utility bond)					500,000		500,000		
	70 . Water System Improvements (utility bond)					2,000,000		2,000,000		
	71 . Wastewater System Improvements (utility bond)					3,000,000		3,000,000		
	72 . Town/School Bldg Roof Repairs (bond)					1,400,000		1,400,000		

		FY22 ACTUAL	FY23 ACTUAL	FY24 ACTUAL	FY25 BUDGET	FY26 BUDGET	PROPOSED AMENDMENTS	FY26 AMENDED BUDGET	\$\$ CHANGE FROM FY25	% CHANGE FROM FY25
(4)	TOTAL REVENUE-FINANCED SPECIAL APPROPRIATIONS	7,617,048	9,792,519	18,935,941	22,270,465	20,045,169	0	20,045,169	(2,225,296)	-10.0%
	TOTAL APPROPRIATED EXPENDITURES	323,545,209	336,949,841	361,645,348	389,519,081	408,522,486	0	408,522,486	19,003,405	4.9%
	NON-APPROPRIATED EXPENDITURES									
	Cherry Sheet Offsets	101,559	131,592	140,477	140,477	156,317		156,317		
	State & County Charges	6,938,649	7,387,258	7,617,499	7,795,381	8,003,889		8,003,889		
	Overlay	3,603,145	1,930,062	2,786,598	2,027,385	2,465,656		2,465,656		
	Deficits-Judgments-Tax Titles	25,000	25,000	25,000	25,000	25,000		25,000		
	TOTAL NON-APPROPRIATED EXPEND.	10,668,353	9,473,912	10,569,574	9,988,243	10,650,862		10,650,862	662,619	6.6%
	TOTAL EXPENDITURES	334,213,562	346,423,753	372,214,921	399,507,324	419,173,349	0	419,173,349	19,666,025	4.9%
	SURPLUS/(DEFICIT)	11,082,262	14,457,739	18,852,403	0	0	0	0	0	

(1) Breakdown provided for informational purposes.

(2) Figures provided for informational purposes. Funds were transferred to departmental budgets for expenditure.

(3) Funds are transferred to trust funds for expenditure.

(4) Amounts appropriated. Bonded appropriations are not included in the total amount, as the debt and interest costs associated with them are funded in the Borrowing category (item #34).

FY26 BUDGET - TABLE 2 MAY 2026

Department/Board/Commission	Personnel Services/ Benefits	Purchase of Services	Supplies	Other Charges/ Expenses	Utilities	Capital Outlay	Inter- Govt'al	Debt Service	Agency Total
Select Board (Town Administrator)	966,951	27,060	2,048	46,900		4,274			1,047,233
Human Resources Department (Human Resources Director)	463,096	252,177	28,700	26,500		1,791			772,264
Information Technology Department (Chief Information Officer)	1,530,186	843,540	10,350	15,050		255,314			2,654,440
Diversity, Inclusion, and Community Relations (Director)	352,466	71,000	13,000	3,000		1,319			440,785
Finance Department (Director of Finance)	2,610,351	951,924	46,960	29,207	1,017	12,758			3,652,217
Legal Services (Town Counsel)	909,253	144,669	2,500	83,100		2,237			1,141,759
Advisory Committee (Chair, Advisory Committee)	27,312		3,275	570		270			31,427
Town Clerk (Town Clerk)	568,372	110,452	73,690	500		2,020			755,034
Planning and Community Department (Plan. & Com. Dev. Dir.)	1,351,660	205,335	11,714	3,805		4,926			1,577,440
Police Department (Police Chief)	19,502,670	755,050	167,432	34,800	275,126	404,988			21,140,066
Fire Department (Fire Chief)	19,274,756	224,096	126,952	27,100	272,860	174,572			20,100,336
Public Buildings Department (Building Commissioner)	3,159,486	5,096,966	25,075	8,248	3,960,195	84,389			12,334,359
Public Works Department (Commissioner of Public Works)	9,505,745	7,860,236	1,007,885	55,500	1,260,787	985,301			20,675,453
Public Library Department (Library Board of Trustees)	3,510,670	245,469	620,099	2,200	257,566	51,396			4,687,400
Health & Human Services Department (Health & Human Svcs Dir)	1,197,408	313,358	9,000	54,420	44,828	8,691			1,627,705
Veterans' Services (Veterans' Services Director)	168,201	2,388	1,150	127,339		574			299,652
Council on Aging (Council on Aging Director)	1,134,534	64,615	18,846	4,250	90,422	8,913			1,321,580
Recreation Department (Recreation Director)	944,109	23,037	76,480	12,400	187,644	5,771			1,249,441
School Department (School Committee)									142,792,591
Total Departmental Budgets	67,177,226	17,191,372	2,245,156	534,889	6,350,445	2,009,504			238,301,182
DEBT SERVICE									
Debt Service (Director of Finance)								43,467,385	43,467,385
Total Debt Service								43,467,385	43,467,385
EMPLOYEE BENEFITS									
Contributory Pensions Contribution (Director of Finance)	38,070,807								38,070,807
Group Health Insurance (Human Resources Director)	41,625,292								41,625,292
Retiree Group Health Insurance - OPEB's (Director of Finance)	4,931,980								4,931,980
Group Life Insurance (Human Resources Director)	148,625								148,625
Disability Insurance	46,000								46,000
Workers' Compensation (Human Resources Director)	2,200,000								2,200,000
Public Safety IOD Medical Expenses (Human Resources Director)	350,000								350,000
Ch. 41, Sec. 100B Medical Benefits (Town Counsel)	40,000								40,000
Medicare Payroll Tax (Director of Finance)	3,382,196								3,382,196
Accrued Liabilities Trust									
Total Employee Benefits	90,794,899								90,794,899
GENERAL / UNCLASSIFIED									
Vocational Education Assessments									15,000
Reserve Fund (*) (Chair, Advisory Committee)				3,415,094					3,415,094
Stabilization Fund (Director of Finance)				3,500,000					3,500,000
Liability/Catastrophe Fund (Director of Finance)				602,233					602,233
Housing Trust Fund (Planning & Community Development Dir.)				1,683,203					1,683,203
General Insurance (Town Administrator)		1,559,824							1,559,824
Audit/Professional Services (Director of Finance)		149,000							149,000
Contingency (Town Administrator)				10,000					10,000
Printing of Warrants (Town Administrator)	20,000	20,000	10,000						50,000
MMA Dues (Town Administrator)				15,717					15,717
Town Salary Reserve (*) (Director of Finance)	3,383,447								3,383,447
Personnel Services Reserve (*) (Director of Finance)	946,934								946,934
Total General / Unclassified	4,350,381	1,728,824	10,000	9,226,247					15,330,452
TOTAL GENERAL APPROPRIATIONS	162,322,506	18,920,196	2,255,156	9,761,136	6,350,445	2,009,504		43,467,385	387,893,918

(*) NO EXPENDITURES AUTHORIZED DIRECTLY AGAINST THESE APPROPRIATIONS. FUNDS TO BE TRANSFERRED AND EXPENDED IN APPROPRIATE DEPT.

ARTICLE 10

TENTH ARTICLE

Submitted by: Committee on Town Organization & Structure

To see if the Town will amend the final sentence of the second paragraph of Section 2.2.1 of the General By-Laws (Advisory Committee, Appointment of Members) as follows (insertions in **bold underline**, deletions in ~~strikethrough~~):

No member of the Committee shall be an employee of the Town or **shall hold elective office of Town government other than Town Meeting member or constable.** ~~a member of any standing Board or Committee having charge of the expenditure of money; but, this restriction shall not disqualify from appointment to the Committee, members of special committees, which may be created from time to time by Town Meeting, the Moderator or the Select Board to report on specific matters.~~

Or act on anything relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

After further study of the subject matter referred to the Committee on Town Organization and Structure (CTOS) by the November 2025 Town Meeting, CTOS recommends revising Section 2.2.1 to prohibit elected Town officials other than Town Meeting members or constables from also serving on the Advisory Committee but allowing members of all other Town boards and committees to serve on the Advisory Committee.

This petitioner’s description serves as both CTOS’s explanation of the warrant article it submits and its report on the subject matter of Articles 11 and 12 of the November 2025 Town Meeting, which was referred to CTOS.

Background

Section 2.2.1 of the General By-Laws prohibits members of the Advisory Committee from also serving as “a member of any standing Board or Committee having charge of the expenditure of money....” Last year, Town Counsel expressed an interpretation of Section 2.2.1 that, if applied, would mean that Brookline residents concurrently serving both on the Advisory Committee and on certain other Town boards or committees would no longer be able to do so. Town Counsel’s interpretation focused on two phrases in Section 2.2.1. First, the phrase “standing Board or Committee” was interpreted to mean any town board or committee that is expected to exist for longer than

one year. Second, the phrase “having charge of the expenditure of money” was interpreted to encompass any board or committee that has voting responsibility for the allocation of Town funds (regardless of whether others also have voting responsibility for the same funds) or that has any functional role in the distribution of Town funds.

Prompted by the fact that the proffered interpretation of Section 2.2.1 would have disqualified at least two Advisory Committee members who were also serving on other Town boards or committees, two warrant articles were presented to the November 2025 Town Meeting to alleviate the restriction on dual service. Article 11, submitted by the Select Board, proposed an exception to the restriction for committees “related to the construction or reconstruction of specific Town buildings or properties.” Article 12, submitted by a Town Meeting member, proposed defining a “standing Board or Committee” as a “permanent Board of Committee that meets regularly,” and proposed defining “having charge of the expenditure of money” as “having control of or responsibility for the expenditure of money.” Town Meeting considered Articles 11 and 12 together and voted, 209-13-15, to refer the subject matter of both Articles to CTOS for study and report.

CTOS considered the subject matter of Articles 11 and 12 in several public meetings and held a public hearing on potential revisions to Section 2.2.1 regarding the eligibility of Advisory Committee members to serve if they also serve on other boards or committees.

CTOS’s Analysis

The Advisory Committee is the Town’s finance committee, authorized under a state law that requires towns of a certain size to have an “advisory or finance committee” with “duties of appropriation.” G.L. ch. 39, sec. 16. Its responsibilities include “consider[ing] any and all ... appropriation requests,” “submit[ing] a budget at the Annual Town Meeting,” receiving “requests for appropriations” from the School Department and Town Administrator, and authority to “examine the books and records” of the Town. By-Laws Sec. 2.2.5. These responsibilities involve both decision-making for the allocation of Town funds and fiscal oversight.

The existing restriction on Advisory Committee membership prohibits any member of the Advisory Committee from serving simultaneously as a member of “any standing Board or Committee having charge of the expenditure of money.” As discussed in CTOS’s report to the November 2025 Town Meeting, this language is ambiguous in two significant respects. First, neither “standing Board or Committee” nor “special committee” is defined in the By-Laws or in state law. Second, the phrase “having charge of the expenditure of money” is undefined and susceptible to multiple reasonable interpretations. Depending on how broadly those phrases are construed, the restriction could apply to a wide range of Town boards and committees whose members routinely consider costs, review budgets, participate in advisory financial discussions, or exercise any form of financial oversight.

The debate on Warrant Articles 11 and 12 during the November 2025 Town Meeting revealed that it is difficult to craft a clarifying amendment that meaningfully preserves the purpose of the restriction that also provides clear, objective standards that can be consistently applied. Attempts to define “standing” as “permanent,” or to substitute phrases such as “having control of or responsibility for” the expenditure of money, did not eliminate ambiguity. These possible revisions risked either sweeping too broadly—disqualifying service on numerous boards that only tangentially relate to financial matters—or too narrowly—undermining the segregation-of-duties concerns that likely motivated the original provision.

In considering potential revisions to Section 2.2.1, CTOS was guided by three principles, each of which is discussed below: (1) preserving a separation of the Town’s legislative and executive branches of Town government, (2) maintaining a separation of financial functions; and (3) eliminating ambiguity to the extent possible.

First, at least one purpose of the original restriction appears to be grounded in the sound governance principle of preserving checks and balances between the legislative and executive branches of Town government. The Advisory Committee functions as part of the Town’s legislative branch. It reviews appropriation requests, submits a budget to Town Meeting, and is permitted to examine the books and records of the Town to help inform Town Meeting’s legislative decisions on spending. By contrast, the Select Board—and its boards and committees—form the Town’s executive branch, responsible for implementing Town Meeting’s appropriations and administering municipal functions. Historical records indicate that concerns existed for several years leading up to 1947, when the original restriction was adopted, about the propriety of Select Board members also serving on the Advisory Committee. A restriction on dual service between the Advisory Committee and boards “having charge of the expenditure of money” can thus be understood as an effort to ensure institutional independence between those who recommend and review appropriations in support of Town Meeting’s legislative function and those who carry out and administer spending decisions on behalf of the executive branch. Institutional independence is common and well-understood at the state and federal government levels. For example, it is routine for legislators to resign when they take a cabinet or other role in the executive branch so that they are not dually serving in the legislative and executive branches of government. More broadly, separation of these powers promotes independence, avoids real or perceived conflicts of interest, and strengthens public confidence in the integrity of financial decision-making.

Second, the existing restriction advances the sound governance principle of separation of financial oversight from financial administration. The Advisory Committee serves as the Town’s finance committee, with responsibility for reviewing appropriation requests, submitting a budget to Town Meeting, and examining the books and records of the Town. Other Town boards and committees may have roles in recommending, advising upon, or in some cases authorizing expenditures within their respective subject areas. The concept of separating these functions is common in public and private finance. For example, restrictions frequently exist so that a person requesting an appropriation is not the one who approves it; a person who approves an appropriation is not the one who

purchases the goods or services; a person who purchases goods or services is not the one who reconciles financial reports; and so on.

That said, Town government has evolved significantly since Section 2.2.1 was adopted in 1947. Today, the Town's financial controls are distributed across multiple offices and processes, including professional financial staff, statutory oversight requirements, public reporting obligations, and layered review by the Select Board, Town Administrator, School Committee, and Town Meeting, along with many other individuals and committees. In practice, few (if any) boards exercise unilateral authority over the ultimate expenditure of Town funds, and most act in advisory or recommendatory capacities within a broader framework of fiscal oversight.

Third, CTOS sought to eliminate ambiguity in Section 2.2.1 so that a revised provision would be, to the extent possible, clear and not subject to conflicting interpretations that could give rise to ambiguity about any person's eligibility to serve on the Advisory Committee.

In addition to considering the three factors discussed above, CTOS reviewed similar restrictions on Advisory Committee (or equivalent) membership in other Massachusetts towns with a representative town meeting form of government. Our review revealed a range of approaches. Several towns have more restrictive provisions than the existing Section 2.2.1, essentially prohibiting Advisory Committee (or equivalent) members from serving on any other town board or committee, with narrow exceptions. Others limit the restriction to elected office holders, similar to what CTOS proposes now. And a few towns have no restrictions at all.

CTOS also considered the practical impact of the existing prohibition. The current language may unnecessarily limit the pool of residents willing and eligible to serve on the Advisory Committee or on other boards and committees, particularly those with subject-matter expertise gained through service on those boards or committees. In a community that relies heavily on volunteer service, overly broad eligibility restrictions may unintentionally discourage civic participation without yielding commensurate governance benefits.

CTOS's Recommendation

CTOS recommends that Section 2.2.1 be revised to eliminate the prohibition on dual service with "any standing Board or Committee having charge of the expenditure of money," while retaining the prohibition on Town employees and holders of elective Town office (other than Town Meeting member or constable).

CTOS believes that the proposed approach strikes the right balance between remaining faithful to sound principles of institutional independence of legislative and executive functions and segregation of financial duties while not overly restricting Advisory Committee membership. The existing Section 2.2.1 addresses legitimate risks relating to concentration of powers and potential conflicts of interest arising from dual

service. With the proposed revision to Section 2.2.1, CTOS believes these risks will continue to be mitigated and addressed through existing conflict-of-interest laws, disclosure requirements, recusal practices, and the norms of transparent deliberation in open public meetings. These tools provide a flexible and fact-specific mechanism to address situations of dual service, rather than imposing a categorical disqualification based on ambiguous criteria.

CTOS concluded that holders of elective Town office should remain ineligible to serve on the Advisory Committee because election by the Town confers a direct and independent policy-making mandate. If an elected official simultaneously serves on the Advisory Committee, the appearance may arise that the official is put in the incompatible positions of both advancing executive branch policy or budgetary priorities in their role as an elected official and reviewing those policies or priorities in their role as an Advisory Committee member. Retaining the prohibition for elected officials preserves the clear institutional boundary while allowing appointed board and committee members—who serve in more limited or advisory capacities—to continue contributing their expertise.

The proposed revision uses the phrase “elective office of Town government” specifically for two aims. First, the phrase is intended to include both office holders who are elected by the Town today, such as the Select Board, School Committee and Library Trustees, and those who may be elected in the future if a future Town Meeting chooses to convert a currently appointed committee into an elected one. Second, it is intended to exclude elected office holders who are not a part of the Town government, such as political party town committee members, who are selected in a town-wide election but are not governmental officials, and members of the Brookline Housing Authority, which is not a body of Town government.

CTOS believes that the proposed amendment does not alter the Advisory Committee’s statutory role nor does it alter meaningful governance safeguards that already exist. Rather, it replaces ambiguous language with a clearer and more targeted eligibility standard that reflects the Town’s current governmental structure.

For these reasons, CTOS concludes that a revision of the dual-service prohibition is a reasonable and measured response to the concerns raised in November 2025. The proposed amendment promotes clarity in the By-Laws, preserves essential safeguards of sound governance principles, and supports broad participation in Town governance in light of the modern structure of the Town’s financial administration and governance.

Submitted by: Committee on Town Organization & Structure

Jean Berg, Chair

Richard Benka

Harry Bohrs

Betsy Dewitt

Sean M. Lynn-Jones

Kate Poverman

Ian Roffman

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

ARTICLE 14

FOURTEENTH ARTICLE

Submitted by: Jonathan Klein, Kelly Hardebeck, Alex Krieger, Tommy Renkes

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

1 – By amending Section 4.00, Applicability of Regulations, so that Sec. 4.05.3, Accessory Dwelling Units, would apply to the Harvard Street Main Street Corridor zoning districts (strike-through indicates deletion and underline indicates new text):

Section 4.00 APPLICABILITY OF REGULATIONS

1. Except as provided by law or in this By-law, in each district no building, structure, or land shall be used or occupied except for the purposes permitted in the district in the section of this Article applicable thereto. For districts in the Harvard Street Main Street Corridor (H-MS, H-MS-O, H-MST, H-MSN), Article XI Chapter 7 supersedes ~~§ 4.01 through § 4.05~~ (except for Sec. 4.05.3, Accessory Dwelling Units), and ~~§ 4.07~~ in their entirety.

2 - By amending Use 51B, Accessory Dwelling Units (ADUs) of Section 4.07 - Table of Use Regulations – for consistency with the Affordable Homes Act (strike-through indicates deletion and underline indicates new text):

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I

51B. Within a detached single-family dwelling <u>On the same lot where at least one Principal Dwelling Unit exists in all zones zoning districts</u> an a Protected Use Accessory Dwelling Unit as further defined and limited in § 4.05, paragraph 3.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
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3 - By amending Section 4.05.3 – Accessory Uses in Residence Districts; Accessory Dwelling Units - to comply with the Affordable Homes Act by adding terms, and notably the term Protected Use Accessory Dwelling Units (ADUs), as they are defined under 760 CMR 71.02; making the dimensional requirements for Protected Use Accessory Dwelling Units (ADUs) no more restrictive than the state law allows; no longer requiring minimum parking spaces for Protected Use Accessory Dwelling Units (ADUs); revising the certification requirement to ensure that Protected Use ADUs maintain facilities separate from the Principal Dwelling; adding a paragraph that alerts owners who discontinue use of the Protected Use ADUs; deleting sections that are not consistent with the Affordable Homes Act; and make it easier to read. Subparagraphs are renumbered accordingly (strike-through indicates deletion and underline indicates new text):

3. Accessory Dwelling Units (ADUs)

a. Intent and Definitions: ADUs are an allowed accessory use where they are, by design, clearly subordinate to the Principal Dwelling unit and meeting the requirements of this Section. ADUs are intended to advance the following:

1. To provide flexibility for families as their needs change over time and, in particular, provide options for older adults to be able to stay in their homes and for households with persons with disabilities;

2. To increase the diversity of housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
3. To provide a non-subsidized form of housing that is generally less costly to produce and more affordable than similar units in multifamily buildings;
4. To add housing units to Brookline's total housing stock with minimal adverse effects on Brookline's neighborhoods.

5 – Definitions

a) - Principal Dwelling: A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as an ADU.

b) - Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of permanent sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling.

c) - Protected Use Accessory Dwelling Unit: An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. For the purposes of Section 4.05 only, the definition of Dwelling Unit is a single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

d) - Gross Floor Area: For the purposes Section 4.05.3 only, Gross Floor Area is defined as the sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured

from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

b. Protected Use ADUs shall conform to all the following provisions:

1. Maximum square footage. ~~An A~~ Protected Use ADU may be created with up to 50 percent of the existing ~~habitable space~~ Gross Floor Area of the Principal Dwelling on the property or 900 square feet of ~~habitable space~~ Gross Floor Area, whichever is less.

~~a) An ADU which exceeds 900 square feet of habitable space or 50 percent of the existing habitable space of the Principal Dwelling on the property, whichever is less, may be approved by Special Permit, provided that it does not exceed 950 square feet of habitable space.~~

b) Additional square footage resulting from the creation of a Protected Use ADU shall not count towards the minimum Open Space requirements.

2. Maximum Height and Minimum Setbacks

a. ~~An ADU attached to or within a new or an existing detached single-family Dwelling shall comply with the dimensional requirements of Table 5.01.~~
The maximum allowed Height of a Protected Use ADU may be the most permissive maximum height allowed in the subject zoning district for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure whichever is greater, but for any Protected Use ADU proposed with a height of more than 22 feet the applicant shall submit evidence to the Building Commissioner that such height is necessary for the use of the space as a Protected Use ADU. Such evidence may include but not limited to calculations for Gross Floor Area, height of the pitched roof designed to be compatible with that of the Principal Structure, dimensions of dormers to allow for Habitable Space,

or floor-to-floor heights designed for the addition to connect to or be consistent with those of the Principal Structure Dwelling.

- b. ~~A new detached ADU or the expanded areas of a detached ADU shall comply with the side yard setback and half of the rear yard setback prescribed for the principal Dwelling, and shall not be permitted within required front yards.~~
 - 1. ~~The side yard setback may be reduced by a special permit to no less than 10 feet, except in S-0.75P, S-4, S-7, SC-7, SC-10, T, F and M districts where side yard setbacks shall be no less than 7.5 feet.~~
 - 2. ~~The rear yard setback may be reduced by special permit no less than 15 feet in S-15 and S-0.5P districts, and 20 feet in S-25 and S-40 districts.~~

The minimum required Front Yard Setback shall be no less than that required for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.
- c. ~~A new or expanded area of a detached ADU may be up to 22 feet in height and one and a half Stories as defined under § 2.19. In S-0.75P, S-4, S-7, SC-7, T, F, and M districts, the maximum allowed ADU footprint shall be no more than 600 square feet, and in S-10 and SC-10 districts no more than 700 square feet. The minimum required Side Yard Setback shall be the most permissive requirement applicable for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.~~
- d. ~~An Accessory Building may be converted into a detached ADU not in conformance with the setbacks, height, and footprint requirements of this section if the Accessory Building envelope (including without limitation footprint, height and volume) is not expanded. A special permit may be granted to expand an Accessory Building to be converted into an ADU, provided that any exterior additions comply with the provisions of 4.05.3.b.2. The minimum required Rear Yard Setback shall be the most permissive requirement applicable for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.~~

- e. ~~Detached ADUs that do not meet the required by-right height and setbacks shall provide screening from the side and rear lot lines in the form of a strip of densely planted shrubs or trees of a type that may be expected to form a year-round dense screen at least 7 feet high within three years, walls, fences, or a combination.~~ Setbacks, including but not limited to setbacks in Sections 5.63 and 5.72 specific to accessory structures in zoning districts where such sections apply, shall be those that are applicable to the portion of the Lot where the Protected Use ADU is located.
- f. ~~For a façade of a new detached ADU or an ADU converted from an existing Accessory Building, where any part of such façade is less than 10 feet from the abutting property line and faces the abutting property, the total length of such facade shall not exceed 30 feet (not including the depth of any recesses), and such façade shall not contain windows that are transparent or operable (except by special permit when required by the Building Code and no design alternatives complying with this provision are available).~~
The provisions of subsection 1.a. and e. of Section 5.22, Section 5.43, ~~Section 5.63, Section 5.72,~~ and Section 4.04 shall not apply to the creation of ADUs.
- g. An existing Accessory Building any part of which does not meet a setback distance ~~allowed by special permit~~ permitted in this Section 4.05.3.b.2 shall not be converted to ~~an~~ a Protected Use ADU if such Building has a footprint of less than 200 square feet.
- h. ~~In the event that a Building deemed significant pursuant to Article 5.3 (including Sections 5.3.5 or 5.3.8) of the Town's General By-Laws has been subject to demolition to allow or facilitate the creation of an ADU, and such demolition has not been authorized under Town General By-Law Section 5.3.11, the ADU shall not be eligible for special permit relief under this Section 4.05.3 or otherwise.~~
- i. ~~A building permit or Special Permit to convert or expand a Building to create an ADU shall not issue unless the Building has been constructed five or more years prior to the date of application for a permit to create an ADU as evidenced by an original building~~

~~permit or other documentation satisfactory to the Building Commissioner.~~

j-h. As provided in 760 CMR 71.03(3)(b)(9), a Protected Use ADU may be created as of right in a nonconforming existing structure or Principal Dwelling where such pre-existing nonconforming structure or Principal Dwelling could be used for or converted into a Protected Use ADU in conformance with the Building Code, Fire Safety Code, and state law. Expanded areas of an existing nonconforming structure or Principal Dwelling shall comply with the dimensional requirements of the Zoning By-Law including this Section. A Protected Use ADU developed in a pre-existing nonconforming structure or Principal Dwelling that ~~do~~ does not meet the required ~~by-right~~ as-of-right height or setbacks shall provide screening from the side and rear lot lines in the form of a strip of densely planted shrubs or trees of a type that may be expected to form a year-round dense screen at least 7 feet high within three years, walls, fences, or a combination.

3. Exterior appearance. A ~~single-family~~ Principal Dwelling containing an Protected Use ADU shall have no more than two means of access/egress facing the each street lot line upon which the property faces.
4. Exterior alterations are permitted, provided they are in keeping with the architectural integrity of the structure, including but not limited to:
 - a) The exterior finish material should be the same or visually consistent with the exterior finish material of the remainder of the building;
 - b) The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
 - c) Trim should be consistent with the trim used on the remainder of the building;
 - d) Windows should be consistent with those of the remainder of the building in proportion and orientation.
5. Parking. A ~~single-family property with a by right ADU will conform to parking requirements as applicable to single-family homes with no~~

~~accessory dwelling unit. Existing setback requirements will apply to all parking. Off-street parking is not required for Protected Use ADUs.~~

~~6. Conversion of garage space. An ADU that is created by conversion of a pre-existing garage, including an existing garage in a separate structure from the primary residential building, shall provide an off-street parking plan subject to the approval of the Building Commissioner.~~

~~7.6. Allowable means of egress shall be consistent with the State Building Code. If a required means of egress from a Protected Use ADU requires an exterior stairway, any such stairway may not exceed two stories in height nor be visible from a public way.~~

~~8.7. One Protected Use ADU per lot. No more than one Protected Use ADU shall be allowed per lot. No ADU that fails to meet the requirements of a Protected Use ADU shall be permitted by special permit, variance or otherwise, except ADUs lawfully in existence prior to February 2, 2025, shall not be subject to the requirements of Protected Use ADUs and shall be permitted.~~

~~9.8. No separate ownership. No Protected Use ADU shall be held in separate ownership from the pPrincipal structure-dDwelling unit; at no time shall an a Protected Use ADU, or the building of which it is a part, be deeded as a condominium unit or transferred as a cooperative unit.~~

~~10.9. Curb cut limit. ADUs may not be located on any lot which is accessed from any public or private street by more than one curb cut, except for lots having more than one pre-existing curb cut for a period of at least five years. The Protected Use ADU shall be accessed by the curb cut(s) serving the Principal Dwelling.~~

~~11.10. Minimum rental period. No Short-Term Rentals, as defined in MGL c. 64G, § 1, shall be allowed in primary dwelling unit or the Protected Use ADU. Nothing shall prohibit the rental, other than the short-term rental, of the Principal dwelling unit, the ADU, or both. rRental of Protected Use ADUs shall be allowed for a term not more than 27 consecutive calendar days and shall be subject to a written rental or lease agreement. Rental of either the ADU or its associated primary dwelling unit shall be for a term of not less than six (6) months and shall be subject to a written rental or lease agreement. No Short-Term Rentals, shall be allowed in the primary dwelling unit or the ADU. No Short-Term Rentals shall be allowed in the primary dwelling unit or the ADU.~~

~~12.11.~~ Historic districts. Where a building is located within a local historic district and

therefore subject to the procedures required under Article 5.6 of the General By-Law, any decisions of the Brookline Preservation Commission shall take precedence over the criteria and procedures set forth above, but the Preservation Commission may be guided by the provisions of this Section in addition to its own criteria and procedures.

~~13.12. Recording at Registry of Deeds. Before a Certificate of Occupancy is issued, the property owner of any ADU shall record with the Norfolk County Registry of Deeds or with the Land Court a certified copy of the approval, in a form prescribed by the Building Commissioner or, if required, the Special Permit. Certified copies of the recorded documents shall be filed with the Building Department. Before a building permit is issued, the property owner of the Protected Use ADU shall certify to the Building Commissioner that the proposed Protected Use ADU will maintain permanent sleeping, cooking, and sanitary facilities separate from the Principal Dwelling Unit.~~

~~14.13.~~ Change of ownership and/or discontinued use.

(a) When ownership of any residential property containing an existing Protected Use ADU changes, the new property owner shall within 30 days of the title transfer, file with the Building Commissioner a sworn affidavit attesting to continued compliance with the requirements of this section and all applicable public safety codes, at which time the Building Commissioner shall conduct a determination of compliance with this Section.

(b) When the owner of a Protected Use ADU discontinues its use, resulting in a structure that does not comply with the Zoning By-law, the addition, alteration, or construction shall be subject to enforcement action for non-compliance.

~~15.14.~~ Termination. A property owner who chooses to discontinue an accessory dwelling unit a Protected Use ADU shall notify the Building Commissioner in writing within 30 days following such action.

~~16.15.~~ Enforcement. A property owner who fails to comply with all provisions of this ~~s~~Section shall be subject to regulatory enforcement by the Building Commissioner. The Building Commissioner shall seek advice

and counsel from the Director of Planning and Community Development when there is any question in the application of the criteria contained in this Section and in the approval of any permit for a Protected Use ADU, approval

The Building Commissioner may re-inspect the property for compliance with the Zoning By-Law and health and safety regulations, including but not limited to when there is a change of ownership.

~~17.16. Public listing of approved units. The Building Department will maintain~~
Aa listing of all permitted Protected Use ADUs shall be maintained by the ~~Town in such a manner as to be~~ publicly accessible on the Town of Brookline website.

4 - By amending Section 4.05.3.c to expressly state that ADUs lawfully in existence prior to February 2, 2025, the effective date of the Affordable Homes Act, shall not be subject to this by-law (strike-through indicates deletion and underline indicates new text):

- c. Pre-existing unauthorized ADUs may be approved by the Building Commissioner subject to the following requirements:
 - 1. The property owner shall submit an application request in a form prescribed by the Building Commissioner;
 - 2. The pre-existing ADU ~~must~~ shall comply with all requirements of the Protected Use ADU section of the Zoning Bylaw; ~~however, provided all other provisions of such section are met, the Building Commissioner may approve an ADU with habitable space not exceeding the lesser of 950 square feet or 50 percent of the floor area of the principal building.~~
 - 3. Before approval of ~~an~~ a ~~pre-existing accessory dwelling unit ADU~~, the ~~Building Department Commissioner~~ Building Commissioner shall conduct an on-site inspection for compliance with all applicable Building Code requirements and ~~other~~ all applicable provisions of this Section.
 - 4. ADUs lawfully in existence prior to February 2, 2025, shall not be subject to the requirements of Protected Use ADUs.

Or act on anything relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

This Warrant Article proposes to amend sections of the existing Zoning By-law relating to Accessory Uses and Accessory Dwelling Units (51B of Section 4.07 and 4.05.3) to comply with the Massachusetts Affordable Homes Act (House Bill H.4977) and EOHLC’s Protected Use Accessory Dwelling Unit regulation (760 CMR 71.00).

Background

In the fall of 2019, Town Meeting voted to amend the Zoning By-law to authorize the creation of Accessory Dwelling Units (ADUs) in all single-family residential districts in Brookline. In Spring 2024, Town Meeting passed a Warrant Article that amended the ADU by-law to eliminate and relax restrictive provisions to incentivize the production of ADUs, including increasing the maximum square footage.

In August 2024, the Affordable Homes Act was signed by Governor Healy, which legalizes Accessory Dwelling Units to be "by-right" in zoning districts that allow single-family homes across Massachusetts and protected ADUs under the Dover Amendment (G.L. c. 40A, § 3). According to the Affordable Homes Act, these by-right ADUs must have a separate entrance and be no larger than ½ the gross floor area of the Principal Dwelling or 900 square feet in size, whichever is smaller. In February 2025, the Executive Office of Housing and Livable Communities (EOHLC) finalized ADU regulations and introduced the term “Protected Use ADU” (760 CMR 71.00) to refer to the by-right ADUs introduced in the Affordable Homes Act.

During the 2024 Fall Town Meeting, a Warrant Article was approved that amended the Use 51B of Section 4.07 and Section 4.05.3 of the Town’s Zoning By-law, attempting to comply with the state requirements under the Affordable Homes Act. However, this was adopted before the EOHLC regulations were finalized, and based on the statute and those regulations, the Attorney General’s Office only partially approved the Warrant Article from Fall 2024, disapproving provisions that conflicted with state law.

Proposed Warrant Article

Because some provisions of the by-law were disapproved by the Massachusetts Attorney General’s Office, Brookline does not have a state-compliant ADU bylaw. As of February 2, 2025, any zoning provisions that are inconsistent with Protected Use ADU Law and Regulations are unenforceable. This Warrant Article proposes to amend the sections of the existing Zoning Bylaw relating to Accessory Uses and Accessory Dwelling Units (Sections 51B and 4.05.3) to comply with state law and regulations.

Key take-aways from the state’s guidance are that Protected Use ADUs:

1. Must be by-right and not have more restrictive regulations for Protected Use ADUs than for Principal Dwelling Units in zoning districts that allow Single-Family Residential Dwellings.
2. Must not have more restrictive dimensional standards (such as lot coverage, open space, bulk and height, and number of stories) than what is required for the “more permissive regulation” applicable to Principal Dwellings, Single-Family Residential Dwellings, and Accessory Structures.
3. Must not conflict with the rights granted under the Dover Amendment.

To bring Brookline into compliance, the Housing Advisory Board (HAB) appointed an ADU Subcommittee of Jonathan Klein (HAB), Alex Krieger (HAB), Kelly Hardebeck (Advisory Committee), and Tommy Renkes (Planning Board) to work with Planning Department staff on revising Brookline’s by-law. The Subcommittee held over a half-dozen open, posted public meetings, with extensive participation by one very interested and helpful member of the public (Richard Benka). The Subcommittee provided update reports to the HAB, Advisory Committee, and Planning Board in January and unanimously (with one absence due to vacation) approved this draft at its final meeting on February 18, 2026.

Changes to the bylaw in the Warrant Article include:

- Added pertinent definitions from the Protected Use ADU regulations;
- Removed language that applies more restrictive regulations to Protected Use ADUs than to Principal Dwelling Units or other Accessory Structures;
- Removed requirements for a Special Permit to comply with the mandate that a Protected Use ADUs must be by-right in districts that allow Single-Family Residential Dwellings
- Lowered maximum size to 900 sq ft to comply with the state’s Protected Use ADU size limit;
- Changed the height and setback requirements to the “most permissive regulation” for the principal or accessory structures in Brookline’s zoning code; however, a provision was added that
 - If the ADU is over 22 feet in height, the owner must submit evidence as to why additional height is necessary to the Building Commissioner;
- Added language to assure the Protected Use ADU will be used as such:
 - Before building the Protected Use ADU, the owner must self-certify that the Protected Use ADU will maintain permanent and separate sleeping, eating, cooking, and sanitary facilities;

- When the owner of a Protected Use ADU discontinues its use, resulting in a structure that does not comply with the Zoning By-law, the addition, alteration, or construction shall be subject to enforcement action for non-compliance.
- Removed parking requirements for Protected Use ADUs

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

Revisions made as of 3.25.2025 by Maria Morelli reflecting AC Land Use subcommittee discussion and with a ruling from the Town Moderator that the amendment is within scope.

ZONING WARRANT ARTICLE: Accessory Dwelling Units

ARTICLE 14XX

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

1 – By amending Section 4.00, Applicability of Regulations, so that Sec. 4.05.3, Accessory Dwelling Units, would apply to the Harvard Street Main Street Corridor zoning districts (strike-through indicates deletion and underline indicates new text):

Section 4.00 APPLICABILITY OF REGULATIONS

1. Except as provided by law or in this By-law, in each district no building, structure, or land shall be used or occupied except for the purposes permitted in the district in the section of this Article applicable thereto. For districts in the Harvard Street Main Street Corridor (H-MS, H-MS-O, H-MST, H-MSN), Article XI Chapter 7 supersedes § 4.01 through § 4.05 (except for **Sec. 4.05.3, Accessory Dwelling Units**), and § 4.07 in their entirety.

2 - By amending Use 51B, Accessory Dwelling Units (ADUs) of Section 4.07 - Table of Use Regulations – for consistency with the Affordable Homes Act (strike-through indicates deletion and underline indicates new text):

Accessory Uses	Residence					Business			Ind.
	S	SC	T	F	M	L	G	O	I

51B. Within a detached- single- family dwelling <u>On the</u> same lot <u>where at least one</u> <u>Principal Dwelling Unit</u> <u>exists in all zones zoning</u> <u>districts an a Protected Use</u> Accessory Dwelling Unit as further defined and limited in § 4.05, paragraph 3.	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
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3 - By amending Section 4.05.3 – Accessory Uses in Residence Districts; Accessory Dwelling Units - to comply with the Affordable Homes Act by adding terms, and notably the term Protected Use Accessory Dwelling Units (ADUs), as they are defined under 760 CMR 71.02; making the dimensional requirements for Protected Use Accessory Dwelling Units (ADUs) no more restrictive than the state law allows; no longer requiring minimum parking spaces for Protected Use Accessory Dwelling Units (ADUs); revising the certification requirement to ensure that Protected Use ADUs maintain facilities separate from the Principal Dwelling; adding a paragraph that alerts owners who discontinue use of the Protected Use ADUs; deleting sections that are not consistent with the Affordable Homes Act; and make it easier to read. Subparagraphs are renumbered accordingly (strike-through indicates deletion and underline indicates new text):

3. Accessory Dwelling Units (ADUs)

a. Intent and Definitions: ADUs are an allowed accessory use where they are, by design, clearly subordinate to the Principal Dwelling unit and meeting the requirements of this Section. ADUs are intended to advance the following:

1. To provide flexibility for families as their needs change over time and, in particular, provide options for older adults to be able to stay in their homes and for households with persons with disabilities;
2. To increase the diversity of housing choices in the Town while respecting the residential character and scale of existing neighborhoods;
3. To provide a non-subsidized form of housing that is generally less costly to produce and more affordable than similar units in multifamily buildings;

4. To add housing units to Brookline's total housing stock with minimal adverse effects on Brookline's neighborhoods.

5 – Definitions

a) - Principal Dwelling: A structure, regardless of whether it, or the Lot it is situated on, conforms to zoning, including use requirements and dimensional requirements, such as setbacks, bulk, and height, that contains at least one Dwelling Unit and is, or will be, located on the same Lot as an ADU.

b) - Accessory Dwelling Unit (ADU): A self-contained housing unit, inclusive of permanent sleeping, cooking, and sanitary facilities on the same Lot as a Principal Dwelling, subject to otherwise applicable dimensional and parking requirements, that maintains a separate entrance, either directly from the outside or through an entry hall or corridor shared with the Principal Dwelling sufficient to meet the requirements of the Building and Fire Code for safe egress. ADUs may be detached, attached, or internal to the Principal Dwelling.

c) - Protected Use Accessory Dwelling Unit: An attached, detached or internal ADU that is located, or is proposed to be located, on a Lot in a Single-Family Residential Zoning District as defined under 760 CMR 71.02 only for the purposes of Sec. 4.05.3 and is not larger in Gross Floor Area than ½ the Gross Floor Area of the Principal Dwelling or 900 square feet, whichever is smaller, provided that only one ADU on a Lot may qualify as a Protected Use ADU. For the purposes of Section 4.05.3 only, the definition of Dwelling Unit is a single housing unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

d) - Gross Floor Area: For the purposes Section 4.05.3 only, Gross Floor Area is defined as the sum of the areas of all stories of the building of compliant ceiling height pursuant to the Building Code, including basements, lofts, and intermediate floored tiers, measured from the interior faces of exterior walls or from the centerline of walls separating buildings or dwelling units but excluding crawl spaces, garage parking areas, attics, enclosed porches, and similar spaces. Where there are multiple Principal Dwellings on the Lot, the GFA of the largest Principal Dwelling shall be used for determining the maximum size of a Protected Use ADU.

b. Protected Use ADUs shall conform to all the following provisions:

1. a) Maximum square footage. ~~An~~ A Protected Use ADU may be created with up to 50 percent of the existing ~~habitable-space~~ Gross Floor Area of the Principal Dwelling on the property or 900 square feet of ~~habitable-space~~ Gross Floor

Area, whichever is less.

- a) ~~An ADU which exceeds 900 square feet of habitable space or 50 percent of the existing habitable space of the Principal Dwelling on the property, whichever is less, may be approved by Special Permit, provided that it does not exceed 950 square feet of habitable space.~~
- b) Additional square footage resulting from the creation of a Protected Use ADU shall not count towards the minimum Open Space requirements.

2. Maximum Height and Minimum Setbacks

- a. ~~An ADU attached to or within a new or an existing detached single-family Dwelling shall comply with the dimensional requirements of Table 5.01.~~
The maximum allowed Height of a Protected Use ADU may be the most permissive maximum height allowed in the subject zoning district for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure whichever is greater, but for any Protected Use ADU proposed with a height of more than 22 feet the applicant shall submit evidence to the Building Commissioner that such height is necessary for the use of the space as a Protected Use ADU. Such evidence may include but not limited to calculations for Gross Floor Area, height of the pitched roof designed to be compatible with that of the Principal Structure, dimensions of dormers to allow for Habitable Space, or floor-to-floor heights designed for the addition to connect to or be consistent with those of the Principal Structure Dwelling.
- b. ~~A new detached ADU or the expanded areas of a detached ADU shall comply with the side yard setback and half of the rear yard setback prescribed for the principal Dwelling, and shall not be permitted within required front yards.~~
 - 1. ~~The side yard setback may be reduced by a special permit to no less than 10 feet, except in S-0.75P, S-4, S-7, SC-7, SC-10, T, F and M-districts where side yard setbacks shall be no less than 7.5 feet.~~
 - 2. ~~The rear yard setback may be reduced by special permit no less than 15 feet in S-15 and S-0.5P districts, and 20 feet in S-25 and S-40 districts.~~

The minimum required Front Yard Setback shall be no less than that required for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.

- c. A new or expanded area of a detached ADU may be up to 22 feet in height and one and a half Stories as defined under § 2.19. In S-0.75P, S-4, S-7, SC-7, T, F, and M districts, the maximum allowed ADU footprint shall be no more than 600 square feet, and in S-10 and SC-10 districts no more than 700 square feet. The minimum required Side Yard Setback shall be the most permissive requirement applicable for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.
- d. An Accessory Building may be converted into a detached ADU not in conformance with the setbacks, height, and footprint requirements of this section if the Accessory Building envelope (including without limitation footprint, height and volume) is not expanded. A special permit may be granted to expand an Accessory Building to be converted into an ADU, provided that any exterior additions comply with the provisions of 4.05.3.b.2. The minimum required Rear Yard Setback shall be the most permissive requirement applicable for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.
- e. Detached ADUs that do not meet the required by right height and setbacks shall provide screening from the side and rear lot lines in the form of a strip of densely planted shrubs or trees of a type that may be expected to form a year-round dense screen at least 7 feet high within three years, walls, fences, or a combination. Setbacks, including but not limited to setbacks in Sections 5.63 ACCESSORY BUILDINGS OR STRUCTURES IN SIDE YARDS and 5.72 ACCESSORY BUILDINGS OR STRUCTURES IN REAR YARDS specific to accessory structures in zoning districts where such sections apply, shall be those that are applicable to the portion of the Lot where the Protected Use ADU is located.
- f. For a façade of a new detached ADU or an ADU converted from an existing Accessory Building, where any part of such façade is less than 10 feet from the abutting property line and faces the abutting property, the total length of such façade shall not exceed 30 feet (not including the depth of any recesses), and such façade shall not contain windows that are transparent or operable (except by special permit when required by the Building Code and no design alternatives complying with this provision are available).

The provisions of subsection 1.a. and e. of Section 5.22, Section 5.43, ~~Section 5.63, Section 5.72,~~ and Section 4.04 shall not apply to the creation of ADUs.

- g. An existing Accessory Building any part of which does not meet a setback distance ~~allowed by special permit~~ permitted in this Section 4.05.3.b.2 shall not be converted to an a Protected Use ADU if such Building has a footprint of less than 200 square feet.

- ~~h. In the event that a Building deemed significant pursuant to Article 5.3 (including Sections 5.3.5 or 5.3.8) of the Town's General By Laws has been subject to demolition to allow or facilitate the creation of an ADU, and such demolition has not been authorized under Town General By Law Section 5.3.11, the ADU shall not be eligible for special permit relief under this Section 4.05.3 or otherwise.~~
- ~~i. A building permit or Special Permit to convert or expand a Building to create an ADU shall not issue unless the Building has been constructed five or more years prior to the date of application for a permit to create an ADU as evidenced by an original building permit or other documentation satisfactory to the Building Commissioner.~~
- ~~j-h. As provided in 760 CMR 71.03(3)(b)(9), a Protected Use ADU may be created as of right in a nonconforming existing structure or Principal Dwelling where such pre-existing nonconforming structure or Principal Dwelling could be used for or converted into a Protected Use ADU in conformance with the Building Code, Fire Safety Code, and state law. Expanded areas of an existing nonconforming structure or Principal Dwelling shall comply with the dimensional requirements of the Zoning By-Law including this Section. A Protected Use ADU developed in a pre-existing nonconforming structure or Principal Dwelling that ~~do~~ does not meet the required by-right as-of-right height or setbacks shall provide screening from the side and rear lot lines in the form of a strip of densely planted shrubs or trees of a type that may be expected to form a year-round dense screen at least 7 feet high within three years, walls, fences, or a combination.~~
- 3. Exterior appearance. A ~~single-family~~ Principal Dwelling containing an Protected Use ADU shall have no more than two means of access/egress facing the each street lot line upon which the property faces.
- 4. Exterior alterations are permitted, provided they are in keeping with the architectural integrity of the structure, including but not limited to:
 - a) The exterior finish material should be the same or visually consistent with the exterior finish material of the remainder of the building;
 - b) The roof pitch should be consistent with the predominant roof pitch of the remainder of the building;
 - c) Trim should be consistent with the trim used on the remainder of the building;
 - d) Windows should be consistent with those of the remainder of the building in proportion and orientation.

5. Parking. A single-family property with a by right ADU will conform to parking requirements as applicable to single family homes with no accessory dwelling unit. Existing setback requirements will apply to all parking. Off-street parking is not required for Protected Use ADUs.
6. Conversion of garage space. An ADU that is created by conversion of a pre-existing garage, including an existing garage in a separate structure from the primary residential building, shall provide an off-street parking plan subject to the approval of the Building Commissioner.
- 7.6. Allowable means of egress shall be consistent with the State Building Code. If a required means of egress from a Protected Use ADU requires an exterior stairway, any such stairway may not exceed two stories in height nor be visible from a public way.
- 8.7. One Protected Use ADU per lot. No more than one Protected Use ADU shall be allowed per lot. No ADU that fails to meet the requirements of a Protected Use ADU shall be permitted by special permit, variance or otherwise, except ADUs lawfully in existence prior to February 2, 2025, shall not be subject to the requirements of Protected Use ADUs and shall be permitted.
- 9.8. No separate ownership. No Protected Use ADU shall be held in separate ownership from the pPrincipal structure dDwelling unit; at no time shall an a Protected Use ADU, or the building of which it is a part, be deeded as a condominium unit or transferred as a cooperative unit.
- 10.9. Curb cut limit. ADUs may not be located on any lot which is accessed from any public or private street by more than one curb cut, except for lots having more than one pre-existing curb cut for a period of at least five years. The Protected Use ADU shall be accessed by the curb cut(s) serving the Principal Dwelling.
- 11.10. Minimum rental period. No Short-Term Rentals, as defined in Consistent with MGL. c. 64G, § 1, no short term rentals shall be allowed in primary dwelling unit or the a Protected Use ADU. Nothing shall prohibit the rental, other than the short-term rental, of the Principal dwelling unit, the ADU, or both. Rental of Protected Use ADUs shall be allowed only for a term not more than 27 consecutive calendar days and shall be subject to a written rental or lease agreement. Rental of either the ADU or its associated primary dwelling unit shall be for a term of not less than six (6) months and shall be subject to a written rental or lease agreement. No Short-Term Rentals, shall be allowed in the primary dwelling unit or the ADU.
- 12.11. Historic districts. Where a building is located within a local historic district and therefore subject to the procedures required under Article 5.6 of the General By-Law, any

decisions of the Brookline Preservation Commission shall take precedence over the criteria and procedures set forth above, but the Preservation Commission may be guided by the provisions of this Section in addition to its own criteria and procedures.

~~13.12. Recording at Registry of Deeds. Before a Certificate of Occupancy is issued, the property owner of any ADU shall record with the Norfolk County Registry of Deeds or with the Land Court a certified copy of the approval, in a form prescribed by the Building Commissioner or, if required, the Special Permit. Certified copies of the recorded documents shall be filed with the Building Department.~~ Before a building permit is issued, the property owner of the Protected Use ADU shall certify to the Building Commissioner that the proposed Protected Use ADU will maintain permanent sleeping, cooking, and sanitary facilities separate from the Principal Dwelling Unit.

~~14.13. Change of ownership and/or discontinued use.~~

- (a) When ownership of any residential property containing an existing Protected Use ADU changes, the new property owner shall within 30 days of the title transfer, file with the Building Commissioner a sworn affidavit attesting to continued compliance with the requirements of this section and all applicable public safety codes, at which time the Building Commissioner shall conduct a determination of compliance with this Section.
- (b) When the owner of a Protected Use ADU discontinues its use, resulting in a structure that does not comply with the Zoning By-law, the addition, alteration, or construction shall be subject to enforcement action for non-compliance.-

~~15.14. Termination. A property owner who chooses to discontinue an accessory dwelling unit~~ a Protected Use ADU shall notify the Building Commissioner in writing within 30 days following such action.

~~16.15. Enforcement. A property owner who fails to comply with all provisions of this~~ sSection shall be subject to regulatory enforcement by the Building Commissioner. The Building Commissioner shall seek advice and counsel from the Director of Planning and Community Development when there is any question in the application of the criteria contained in this Section and in the approval of any permit for a Protected Use ADU. ~~approval~~

The Building Commissioner may re-inspect the property for compliance with the Zoning By-Law and health and safety regulations, including but not limited to when there is a change of ownership.

17.16. Public listing of approved units. The Building Department will maintain Aa listing of all permitted Protected Use ADUs shall be maintained by the Town in such a manner as to be publicly accessible on the Town of Brookline website.

4 - By amending Section 4.05.3.c to expressly state that ADUs lawfully in existence prior to February 2, 2025, the effective date of the Affordable Homes Act, shall not be subject to this by-law (strike-through indicates deletion and underline indicates new text):

- c. Pre-existing unauthorized ADUs may be approved by the Building Commissioner subject to the following requirements:
 - 1. The property owner shall submit an application request in a form prescribed by the Building Commissioner;
 - 2. The pre-existing ADU ~~must~~ shall comply with all requirements of the Protected Use ADU section of the Zoning Bylaw; ~~however, provided all other provisions of such section are met, the Building Commissioner may approve an ADU with habitable space not exceeding the lesser of 950 square feet or 50 percent of the floor area of the principal building.~~
 - 3. Before approval of ~~an~~ a ~~pre-existing accessory dwelling unit ADU,~~ the Building Department Commissioner shall conduct an on-site inspection for compliance with all applicable Building Code requirements and ~~other~~ all applicable provisions of this Section.
 - 4. ADUs lawfully in existence prior to February 2, 2025, shall not be subject to the requirements of Protected Use ADUs.

5 – By amending Section 4.04.3 under Section 4.04 LIMITATION OF AREA OF ACCESSORY USES to avoid any conflict between this paragraph and new Section 4.05.3 ACCESSORY DWELLING UNITS

- 3. No accessory use, ~~except accessory dwelling units,~~ shall occupy part of the required front or side yards, except off-street parking as required in M-1.0, M-1.5, M-2.0, and M-2.5 Districts and in business and industrial districts, and as provided in ~~§§ 5.44, 5.53, 5.63, and 5.72.~~

Warrant Article Explanation

This Warrant Article proposes to amend sections of the existing Zoning By-law relating to Accessory Uses and Accessory Dwelling Units (51B of Section 4.07 and 4.05.3) to comply with the Massachusetts Affordable Homes Act (House Bill H.4977) and EOHLC's Protected Use Accessory Dwelling Unit regulation (760 CMR 71.00).

Background

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In August 2024, the Affordable Homes Act was signed by Governor Healy, which legalizes Accessory Dwelling Units to be "by-right" in zoning districts that allow single-family homes across Massachusetts and protected ADUs under the Dover Amendment (G.L. c. 40A, § 3). According to the Affordable Homes Act, these by-right ADUs must have a separate entrance and be no larger than $\frac{1}{2}$ the gross floor area of the Principal Dwelling or 900 square feet in size, whichever is smaller. In February 2025, the Executive Office of Housing and Livable Communities (EOHLC) finalized ADU regulations and introduced the term "Protected Use ADU" (760 CMR 71.00) to refer to the by-right ADUs introduced in the Affordable Homes Act.

During the 2024 Fall Town Meeting, a Warrant Article was approved that amended the Use 51B of Section 4.07 and Section 4.05.3 of the Town's Zoning By-law, attempting to comply with the state requirements under the Affordable Homes Act. However, this was adopted before the EOHLC regulations were finalized, and based on the statute and those regulations, the Attorney General's Office only partially approved the Warrant Article from Fall 2024, disapproving provisions that conflicted with state law.

Proposed Warrant Article

Because some provisions of the by-law were disapproved by the Massachusetts Attorney General's Office, Brookline does not have a state-compliant ADU bylaw. As of February 2, 2025, any zoning provisions that are inconsistent with Protected Use ADU Law and Regulations are unenforceable. This Warrant Article proposes to amend the sections of the existing Zoning Bylaw relating to Accessory Uses and Accessory Dwelling Units (Sections 51B and 4.05.3) to comply with state law and regulations.

Key take-aways from the state's guidance are that Protected Use ADUs:

1. Must be by-right and not have more restrictive regulations for Protected Use ADUs than for Principal Dwelling Units in zoning districts that allow Single-Family Residential Dwellings.

2. Must not have more restrictive dimensional standards (such as lot coverage, open space, bulk and height, and number of stories) than what is required for the “more permissive regulation” applicable to Principal Dwellings, Single-Family Residential Dwellings, and Accessory Structures.
3. Must not conflict with the rights granted under the Dover Amendment.

To bring Brookline into compliance, the Housing Advisory Board (HAB) appointed an ADU Subcommittee of Jonathan Klein (HAB), Alex Krieger (HAB), Kelly Hardebeck (Advisory Committee), and Tommy Renkes (Planning Board) to work with Planning Department staff on revising Brookline’s by-law. The Subcommittee held over a half-dozen open, posted public meetings, with extensive participation by one very interested and helpful member of the public (Richard Benka). The Subcommittee provided update reports to the HAB, Advisory Committee, and Planning Board in January and unanimously (with one absence due to vacation) approved this draft at its final meeting on February 18, 2026.

Changes to the bylaw in the Warrant Article include:

- Added pertinent definitions from the Protected Use ADU regulations;
- Removed language that applies more restrictive regulations to Protected Use ADUs than to Principal Dwelling Units or other Accessory Structures;
- Removed requirements for a Special Permit to comply with the mandate that a Protected Use ADUs must be by-right in districts that allow Single-Family Residential Dwellings
- Lowered maximum size to 900 sq ft to comply with the state’s Protected Use ADU size limit;
- Changed the height and setback requirements to the “most permissive regulation” for the principal or accessory structures in Brookline’s zoning code; however, a provision was added that
 - If the ADU is over 22 feet in height, the owner must submit evidence as to why additional height is necessary to the Building Commissioner;
- Added language to assure the Protected Use ADU will be used as such:
 - Before building the Protected Use ADU, the owner must self-certify that the Protected Use ADU will maintain permanent and separate sleeping, eating, cooking, and sanitary facilities;
 - When the owner of a Protected Use ADU discontinues its use, resulting in a structure that does not comply with the Zoning By-law, the addition, alteration, or construction shall be subject to enforcement action for non-compliance.
- Removed parking requirements for Protected Use ADUs

Accessory Dwelling Unitw Warrant Article 14

**Jonathan Klein, Chair
ADU Subcommittee of the Housing Advisory Board**

ADU Timeline



What is a Protected Use ADU?

An **attached or detached ADU** that is located, or is proposed to be located, on a Lot in a **Single-family Residential Zoning District** and is **protected by M.G.L. c. 40A, § 3** (Dover Amendment), provided that only one ADU on a lot may qualify as a Protected Use ADU. An ADU that is nonconforming to Zoning shall still qualify as a Protected Use ADU if it otherwise meets this definition.

-760 Code of Massachusetts Regulations 71.00

Note: A Single-family Residential District is defined as ANY district in which a single-family home is allowed, and includes two-, three- and multi-family districts.

Key Guidance on Protected Use ADUs

1. Must be **by-right** and **not have more restrictive regulations** for Protected Use ADUs than for Principal Dwelling Units in zoning districts that allow Single-Family Residential Dwellings.
2. Must **not have more restrictive dimensional standards** (such as lot coverage, open space, bulk and height, and number of stories) than what is required for the “more permissive regulation” applicable to Principal Dwellings, Single-Family Residential Dwellings, and Accessory Structures.
3. Must not conflict with the rights granted under the **Dover Amendment (M.G.L. c.40A s.3)**, which protects one ADU as a “Protected Use.”

The Dover Amendment

The Dover Amendment (M.G.L. c. 40A §3) limits how municipalities can regulate certain protected uses. Under the state ADU law, one Accessory Dwelling Unit on a lot with a home is treated as a Protected Use.

Because of this:

- One ADU must be allowed by right
- Local zoning cannot prohibit or unreasonably restrict it
- Regulations cannot be more restrictive than those for similar structures

Result: Some provisions of Brookline's 2024 ADU bylaw conflicted with state law and were disapproved by the Attorney General.

Attorney General's Ruling on Brookline's ADU By-Law

Brookline By-Law language or provision	AG Ruling & Comments
Limitation to Single-Family Districts	Disallowed (Protected Use ADUs must be allowed by-right in districts which allow a single-family dwelling, including Brookline's single-, two-, three- and multi-family districts).
Maximum size = lesser of 900 sq ft or 50% of habitable space by right; lesser of 950 sq ft or 50% of habitable space by special permit	General Laws Chapter 40A, Section 3 and Regulations allow one ADU to be built as of right up to 900 square feet or ½ of the gross floor area of the principal dwelling, whichever is smaller.
Requirement that principal dwelling or garage be in existence for 5 years before applying for ADU	Disallowed (ADUs are protected use under Dover)
Maximum height = 22 ft and 1 ½ stories	Disallowed (More restrictive than allowed for other structure)
Privacy screening of an ADU that does not meet side and rear yard setbacks	Allowed under Dover as long as it is not used to prohibit or unreasonably restrict
External stairway must not be less than two stories and must not be visible from a public way and would require a special permit	Disallowed
Requirement for common ownership of Principal Dwelling and ADU	Allowed
Disallows transparent, operable windows on the facade of a ADU facing an abutter property if that facade is within 10 feet of an abutter's property	Disallowed (More restrictive than allowed for other structures or uses)

Purpose of Warrant Article 14

- The Attorney General's Office only partially approved the Warrant Article from Fall 2024, disapproving provisions that conflicted with state law.
- Currently, Brookline's ADU bylaw provisions that are inconsistent with the ADU Law and ADU Regulations are **unenforceable**.
- **This Warrant Article seeks to bring Brookline into compliance.**

Warrant Article Highlights

1. Made Protected Use ADUs by-right with the maximum size set to 900 sq ft
2. Removed parking requirements for Protected Use ADUs
3. Changed the height and setback requirements to be consistent with those for Single-Family Uses, Principal Structure, and Accessory Structures, whichever regulation is the most permissive
 - If the ADU is over 22 feet in height, the owner must submit evidence to the Building Commissioner demonstrating that the additional height is necessary for the ADU use.
4. Added language to ensure, to the extent possible, the Protected Use ADU is being used as an ADU

Updated Height and Setbacks

Setbacks

b. The minimum required Front Yard Setback shall be no less than that required for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.

[Note: Accessory Structures are not allowed in Front Yards in the Zoning By-law.]

c. **The minimum required Side Yard Setback shall be the most permissive requirement applicable** for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.*

d. **The minimum required Rear Yard Setback shall be the most permissive requirement applicable** for the Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure, whichever is less.*

*Sec. 5.63 and 5.72, accessory structures in side and rear yards, would remain applicable.

Updated Height and Setbacks

Height

a. The maximum allowed Height of a Protected Use ADU may be the most permissive maximum height allowed in the subject zoning district for Principal Dwelling or Single-Family Residential Dwelling or Accessory Structure whichever is greater, but for any Protected Use ADU proposed with a height of more than 22 feet the applicant shall submit evidence to the Building Commissioner that such height is necessary for the use of the space as a Protected Use ADU. Such evidence may include but not limited to calculations for Gross Floor Area, height of the pitched roof designed to be compatible with that of the Principal Structure, dimensions of dormers to allow for Habitable Space, or floor-to-floor heights designed for the addition to connect to or be consistent with those of the Principal Structure Dwelling.

Protected ADU Use Compliance

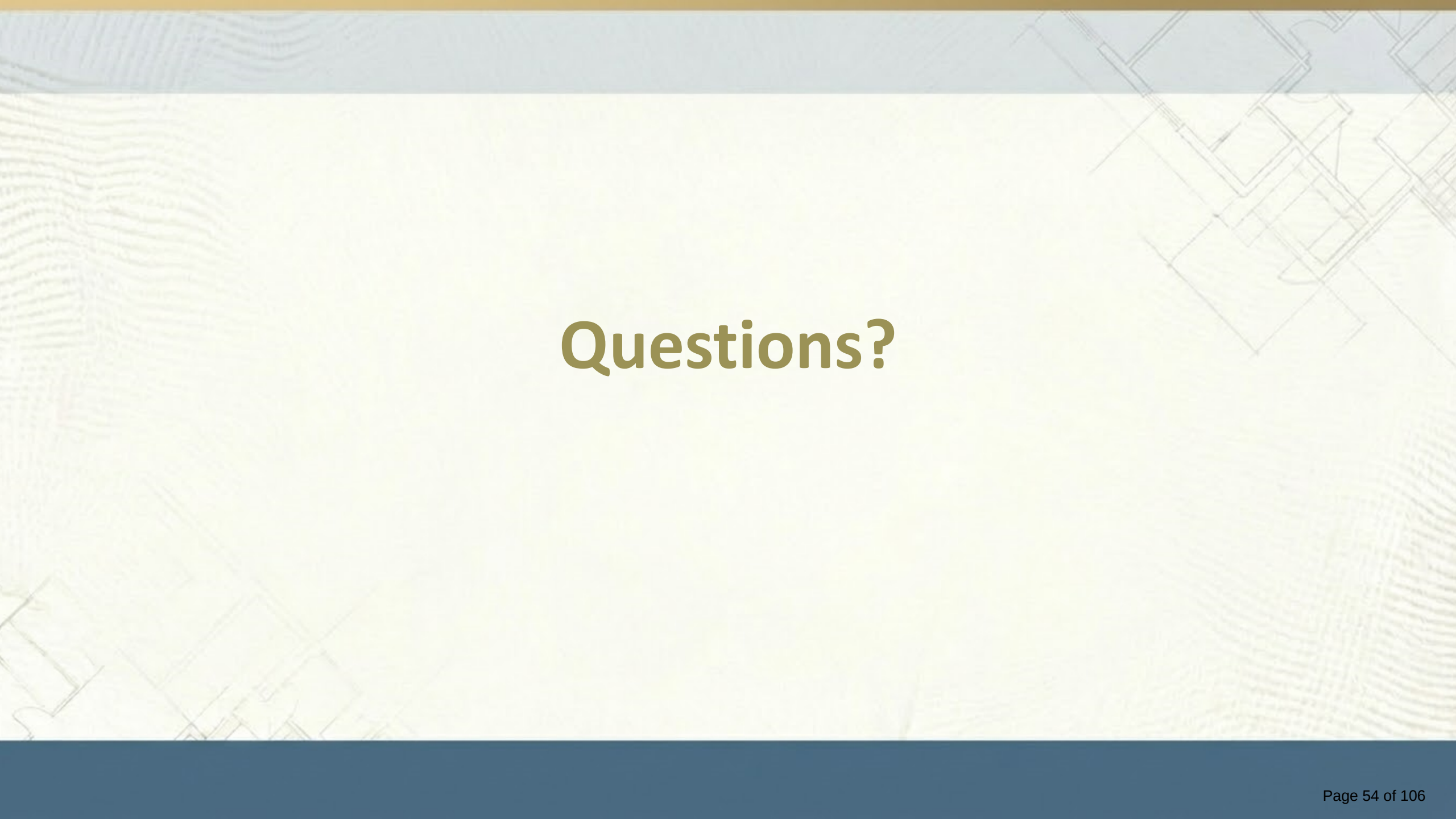
12. Before a building permit is issued, the property owner of the Protected Use ADU shall certify to the Building Commissioner that the proposed Protected Use ADU will maintain permanent sleeping, cooking, and sanitary facilities separate from the Principal Dwelling Unit.

Protected ADU Use Compliance

13. Change of ownership and/or discontinued use.

(a) When ownership of any residential property containing an existing Protected Use ADU changes, the **new property owner shall within 30 days of the title transfer, file with the Building Commissioner a sworn affidavit attesting to continued compliance with the requirements of this section** and all applicable public safety codes, at which time the Building Commissioner shall conduct a determination of compliance with this Section.

(b) **When the owner of a Protected Use ADU discontinues its use,** resulting in a structure that does not comply with the Zoning By-law, **the addition, alteration, or construction shall be subject to enforcement action for non-compliance.**

The background of the slide features a light cream color with faint, stylized architectural sketches of buildings and rooms. A wavy, textured pattern in a light blue-grey hue is visible on the left side, while a solid dark blue-grey horizontal band runs across the top and bottom of the slide.

Questions?

Extra Slides

What should a city/town do if its zoning is not consistent with the ADU Law?

As of February 2, 2025, any zoning provisions that are inconsistent with the ADU Law and ADU Regulations are **unenforceable**.

A Protected Use ADU, as defined in the ADU Regulations, cannot be subjected to local regulations that are disallowed by state law.

“More permissive regulation” guideline

760 CMR 71.00: PROTECTED USE ACCESSORY DWELLING UNITS

2. Dimensional Standards: Any requirement concerning dimensional standards, such as dimensional setbacks, lot coverage, open space, bulk and height, and number of stories, that are more restrictive than is required for the Principal Dwelling, or a Single Family Residential Dwelling or accessory structure in the Zoning District in which the Protected Use ADU is located, whichever results in more permissive regulation, provided that a Municipality may not require a minimum Lot size for a Protected Use ADU.

Dimensional Standard Rule of Thumb

Impose dimensional standards on Protected Use ADUs that are no more restrictive than those required for the Principal Dwelling, a Single-Family Residential Dwelling, or accessory structure within the same zoning district, whichever results in the more permissive regulation.

NOTE: To result in the most permissive regulation overall, municipalities should select the most permissive regulation for each dimensional standard when comparing the Principal Dwelling, Single-Family Residential Dwelling, and accessory structure. For example, the most permissive Regulation for the Protected Use ADU may include the minimum setbacks for an accessory structure and the maximum height for a Single-Family Residential Dwelling or a duplex (if the Principal Dwelling on a lot is a duplex).

ARTICLE 15

FIFTEENTH ARTICLE

Submitted by: Alec Leibovitz, TMM P8, 401-793-6279; Deborah Brown; David Lescohier P11

To see if the Town will amend Section 4.08, Paragraph 4, Subsection (d) of the Brookline Zoning Bylaw (Inclusionary Zoning) as follows (Deleted Language is ~~crossed-out~~, added language is in ***bold italics***):

d. For Projects that upon completion will create fewer than ~~44~~ ***20*** additional Dwelling Units and are not located in the Harvard Street Main Street Corridor districts (H-MS, H-MS-O, H-MST, H-MSN), the applicant may choose to make a Cash in Lieu of Units Payment to the Affordable Housing Trust Fund as provided in the Affordable Housing Standards and Guidelines in lieu of providing units on-site.

or act on anything relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

In 2020 the inclusionary zoning bylaw was amended for two purposes: (1) to reduce further—from six to four units--the lower threshold of project unit count that would trigger the I.Z. 15 percent affordable housing obligation; and (2) to increase the upper limit of the unit count range in which the developer could opt for a cash payment in lieu of onsite affordable units—from 15 to 19 units, thereby increasing the potential cash income to the Housing Trust. The Housing Trust had developed a record creating many more affordable units by partnering with its non-profit sponsors—including the Brookline Housing Authority—than it could via the onsite housing alternative.

In May 2023 Section 4.0.8, unfortunately, was further amended reducing the potential Housing Trust income from cash payments. Clearly, as explained 2023 warrant article explanation, the intent of amending section 4.0.8 of the Brookline Zoning Bylaw in this manner was to decrease potential Inclusionary Zoning revenue even though this revenue leverages substantial state and federal subsidies resulting in the creation of many more affordable units than would be created by requiring onsite units:

“This 2023 Inclusionary Zoning Bylaw Amendment would reduce from 19 to 10 the maximum number of units in a proposed project whereby a developer can choose to make a prescribed lump sum payment to the Town's Affordable Housing Trust in lieu of contributing 15% onsite affordable housing units.

“Brookline's Affordable Housing Trust over recent years has made possible otherwise financially infeasible affordable housing projects. Sponsors of these projects—including the Brookline Housing Authority and private non-profit affordable housing developers--have brought with them to Brookline substantial state and federal subsidies to bring these affordable housing developments to fruition.

“This 'leveraging' of the Trust Fund's limited resources from Inclusionary Zoning has resulted in the creation of many more affordable units in Brookline than would have been produced by requiring onsite affordable units.” (WA 14 Explanation, 2023 ATM)

It is surprising that at a time when funding to meet the need for more affordable housing is so great, that in 2023, in the words of the 2023 warrant article explanation, the Town says it was actually reversing itself to reduce a working, creditable source of potential affordable housing dedicated revenue.

In 2023, the rationale was that Community Preservation Act would be available as a replacement.

“Brookline's recent adoption of the Community Preservation Act (CPA) will soon be generating a substantial and continuing new source of affordable housing funds. Leveraged funding from smaller projects subject to Inclusionary Zoning will continue to meet a critical need. However, the advent of CPA funds will help to diversify the Trust Fund's sources of revenue, while also furthering geographic diversification in newly created affordable housing units.” (WA 14 Explanation, 2023 ATM)

The current 2026 proposed warrant article amendment will to restore the upper limit to 19 as Town Meeting had voted at the 2020 Annual Town Meeting, because cash in lieu of onsite units will continue to create many more affordable units from Housing Trust Fund leveraging of cash payments to create many more affordable units than would be provided with onsite.

While any Community Preservation Act appropriation for affordable housing is to be welcomed, it seems counterproductive to justify a reduction in Inclusionary Zoning revenue because of the Community Preservation Act.

It should not be a choice:

Community Preservation Act or Inclusionary Zoning?

The correct answer is both.

Of note, for nine Housing Trust supported projects from 2008 to 2026, the \$20 million Housing Trust contribution produced 543 affordable units with a total project cost of \$306 million,. The AHTF multiplied its investment by attracting 15 additional project dollars for every Housing Trust dollar, a 15 to one ratio.

Brookline's Housing Trust should receive more, not less, resources.

Rental Project Inclusionary Zoning Trust Payment Calculation Examples

These examples are estimates drawn from published Planning Department Affordable Housing Standards and Guidelines information, September 2024. They illustrate how the Planning Department could implement Brookline's inclusionary bylaw.

1. 19-unit New Construction Project (new construction without retaining any Pre-Existing residential units)

- Number of units counted towards the Contribution Factor: 19
- Contribution Factor for 19 units: 17%
- Estimated Project Value (excluding any Pre-Existing Dwelling Units or Dwelling Unit Lots) determined by the Assessor's Office: \$14 million

Trust Payment: Project Value x Contribution Factor = \$14,000,000 x 0.08 (est.) = \$1,120,000 (est.)

2. 10-unit New Construction Project (new construction without retaining any Pre-Existing residential units)

- Number of units counted towards the Contribution Factor: 10
- Contribution Factor for 10 units: 8%
- Estimated Project Value (excluding any Pre-Existing Dwelling Units or Dwelling Unit Lots) determined by the Assessor's Office: \$8 million

Trust Payment: Project Value x Contribution Factor = \$8,000,000 x 0.08 = \$640,000

3. Interior Reconfiguration of Residential Units: A 5-unit building that reconfigures 2 of its units into 4 units, resulting in a 7-unit building. Therefore, 3 units are Pre-Existing and not counted as part of the Project for these purposes.

- Number of units counted towards the Contribution Factor: 4
- Contribution Factor for 4 units: 2%
- Estimated Project Value (excluding any Pre-Existing Dwelling Units or Dwelling Unit Lots) determined by the Assessor's Office: \$3 million

Trust Payment: $\$3,000,000 \times .02 = \$60,000$

4. Building addition: 6 units are added to an existing 6-unit building (either by building units outside the building footprint or building units by converting non-residential habitable space), resulting in a 12-units building. No residential units are being reconfigured. 6 units are considered Pre-Existing.

- Number of units counted towards the Contribution Factor: 6
- Contribution Factor for 6 units: 4%
- Estimated Project Value (excluding any Pre-Existing Dwelling Units or Dwelling Unit Lots) determined by the Assessor's Office: \$4 million

Trust Payment: $\$4,000,000 \times .04 = \$160,000$

5. Building addition: 1 unit is added to an existing 3-unit building by adding a basement unit. Three units are considered Pre-Existing.

- Number of units counted towards the Contribution Factor: 1
- Contribution Factor for 1 unit: .5%
- Estimated Project Value (excluding any Pre-Existing Dwelling Units or Dwelling Unit Lots) determined by the Assessor's Office: \$2 million

Trust Payment: $\$2,000,000 \times .005 = \$10,000$

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

ARTICLE 16SIXTEENTH ARTICLE

Submitted by: Jeffrey P. Allen

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

- 1. By adopting the following map change, the Town hereby establishes a new overlay district entitled the *Pleasant Street Multifamily Overlay District* (“PSMOD”).**

The PSMOD shall consist solely of Assessor’s Parcel ID 046-20-00, known as 26 Pleasant Street, currently located in the M-1.0 zoning district. The boundaries of the Pleasant Street Multifamily Overlay District shall be as described above and depicted in **Figure A** below. Figure A is for illustrative purposes only and is intended to identify zoning boundaries; dimensional requirements and compliance shall be governed exclusively by the Zoning By-Law.

FIGURE A: Proposed Pleasant Street Multifamily Overlay District Map



2. **By amending Section 3.01.4 of the Zoning By-Law by adding the following new subsection after the existing last subsection to incorporate the Pleasant Street Multifamily Overlay District into the list of recognized overlay districts:**

“r. Pleasant Street Multifamily Overlay District.”

3. **By amending Section 4.07, Table of Use Regulations, to modifying Use 6E – Multifamily Housing by adding the following sentence at the end of the use description:**

“Within the Pleasant Street Multifamily Overlay District, Multifamily Housing shall be permitted by Special Permit, subject to compliance with Section 5.06.4.r.”

4. **By amending Section 5.06.4 of the Zoning By-Law to add the following new subsection to establish governing standards, dimensional flexibility, and permitting authority for development within the Pleasant Street Multifamily Overlay District:**

“r. Pleasant Street Multifamily Overlay District

1. Purpose and Intent

It has been determined that 26 Pleasant Street represents an appropriate location for multifamily residential development due to its proximity to transit and established infrastructure. The purposes of this Overlay District are to:

- *Encourage transit-oriented residential development;*
- *Provide flexibility in height and density while maintaining oversight by the Planning Board and Zoning Board of Appeals;*
- *Ensure high-quality site planning, architectural design, and neighborhood compatibility.*

2. Applicability

The provisions of this Section shall apply to all development within the Pleasant Street Multifamily Overlay District, notwithstanding the requirements of the underlying M-1.0 district or any other provision of this By-Law to the contrary, except as expressly stated herein. All other applicable provisions of the Zoning By-Law, including provisions allowing dimensional or other relief by Special Permit, shall continue to apply.

3. *Permitted Use*

Multifamily dwellings containing three (3) or more dwelling units shall be permitted by Special Permit granted by the Zoning Board of Appeal and subject to Design Review as set forth in Section 5.09 of the By-law.

4. *Dimensional Standards*

Notwithstanding the Dimensional Requirements set forth in Table 5.01, within the Pleasant Street Multifamily Overlay District:

- *The maximum Floor Area Ratio (FAR) may be permitted up to 4.0;*
- *The maximum building height may be permitted up to 85 feet and shall be measured pursuant to § 5.30; and*
- *The minimum Usable Open Space may be reduced to 10%.*

5. *Parking*

Notwithstanding any provision of the Coolidge Corner Overlay District or any other section of this By-Law to the contrary, above-ground parking located within a structure or at grade shall not be counted toward Floor Area Ratio calculations within the Pleasant Street Multifamily Overlay District.

All parking shall otherwise comply with Article 6 of the Zoning By-Law, and any reductions or modifications otherwise permitted by Special Permit shall remain available.

6. *Affordable Housing*

All residential development within the Pleasant Street Multifamily Overlay District shall comply with Section 4.08 (Inclusionary Zoning)."

5. **By amending Table 5.01, Table of Dimensional Requirements, by adding Footnote 22, which footnote shall read as follows:**

"See Section 5.06.4.r, Pleasant Street Multifamily Overlay District, with respect to applicable dimensional standards and permitted modifications."

...or act upon anything else relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

This Article proposes to create a new Pleasant Street Multifamily Overlay District encompassing 26 Pleasant Street, a severely underutilized property currently zoned M-1.0, in order to allow the development of well-designed multifamily housing subject to Planning Board Special Permit and Site Plan Review. The overlay would permit multifamily residential development of up to seven (7) stories and a maximum floor area ratio (FAR) of 4.0, with reduced parking requirements consistent with transit-oriented development principles.

The proposed zoning amendment would enable the creation of approximately 103 new residential units, including required affordable housing, in close proximity to transit services. By concentrating housing growth in an appropriate, transit-accessible location, the Article advances the Town’s Housing Production Plan, supports compliance with the MBTA Communities Act, and aligns with the scale and intent of nearby overlay districts, including the MBTA-CA Multifamily Overlay District and the Waldo-Durgin Overlay District.

Importantly, the Article replaces a low-intensity, underperforming use with housing that responds to demonstrated community need, while maintaining strong Planning Board and Zoning Board of Appeals oversight to ensure high-quality design, neighborhood compatibility, and environmental sustainability. The redevelopment of 26 Pleasant Street is expected to significantly increase the Town’s property tax base, contribute to long-term fiscal stability, and promote more efficient use of land and infrastructure, all while reinforcing Brookline’s commitment to smart growth and housing opportunity.

SELECT BOARD’S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

From: Neil Wishinsky <nwishinsky@brooklinema.gov>

Sent: Wednesday, April 8, 2026 10:14 AM

To: Taylor N. Lee [REDACTED]

Cc: Allen, Jeffrey [REDACTED]; Polly Selkoe <pselkoe@brooklinema.gov>; David Pollak [REDACTED]; Melissa Goff <mgoft@brooklinema.gov>

Subject: Re: Warrant Article 16 - 26 Pleasant Street

Warrant articles cannot be withdrawn but they don't need to be moved by the petitioner. I will note that the petitioner is not moving the article and if no one else makes a motion (very unlikely that anyone else would move the article), we will skip over it.

Neil Wishinsky

Brookline Town Moderator

From: Taylor N. Lee [REDACTED]

Sent: Wednesday, April 8, 2026 10:10 AM

To: Neil Wishinsky <nwishinsky@brooklinema.gov>

Cc: Allen, Jeffrey [REDACTED]; Polly Selkoe <pselkoe@brooklinema.gov>; David Pollak [REDACTED]

Subject: Warrant Article 16 - 26 Pleasant Street

CAUTION: This email originated from a sender outside the Town of Brookline mail system. Do not click on links or open attachments unless you recognize the sender and know the content is safe.

Neil,

I hope you are well.

I am writing to inform you that we are withdrawing Warrant Article 16 from the upcoming Spring Town Meeting, without prejudice to be filed at a later date. It has become apparent through conversations with the Town, neighborhood and our clients that the proposal requires additional design review before it is ready for Town Meeting consideration.

Thank you for your understanding. Please let me know if you need anything further from us in connection with this withdrawal.

Best,

Taylor

Taylor N. Lee

Associate Attorney

Lawson & Weitzen, LLP

88 Black Falcon Avenue, Suite 345 | Boston, MA 02210



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ARTICLE 9NINTH ARTICLE

Submitted by: Community Preservation Act Committee

To see if the Town will appropriate the following amounts from Community Preservation Fund annual revenues as recommended by the Community Preservation Act Committee for its reserve accounts and, for its unallocated budget reserve to be further appropriated at a future Town Meeting with each item to be considered a separate appropriation as follows:

<u>PURPOSE</u>	<u>AMOUNT</u>
<u>FY 27 EXPECTED ANNUAL REVENUE</u>	
1.Unallocated Budget Reserve	\$2,557,100
2.Open Space & Recreation Reserve	\$393,400
3.Historic Preservation Reserve	\$393,400
4.Community Housing Reserve	\$393,400
TOTAL APPROPRIATIONS	\$3,934,000

To see if the Town will appropriate **\$196,700** from the FY27 Community Preservation Fund revenues to the CPA Administrative Expenses account for eligible FY **2027** administrative expenses, such funds to be expended under the direction of the Community Preservation Act Committee.

<u>FY27 Appropriations</u>	
5.CPA Committee – Administration	\$196,700

To see if the Town will appropriate funds from the Community Preservation Fund for eligible community preservation projects; from the community preservation reserve accounts for historic preservation, open space and recreation, and community housing; in Fiscal Year 2027, with each item to be considered a separate appropriation as follows:

<u>FY27 GRANT RECOMMENDATIONS & PURPOSE</u>		
6. Brookline Housing Authority at Trustman Apartments for roof replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$380,230	Unallocated Budget Reserve
7. Brookline Housing Authority at Trustman Apartments for roof replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$798,400	Community Housing Budget Reserve
8. Brookline Housing Authority at High Street Veterans Apartments for window replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$398,317	Unallocated Budget Reserve
9. Housing Advisory Board (Affordable Housing Trust) for the purpose of community housing creation, preservation, and support in the category of community housing, subject to the condition that a Memorandum of Understanding between the Housing Advisory Board and the Community Preservation Act Committee be executed, and said funds to be expended under the direction of the Housing Advisory Board and Select Board, in consultation with the Community Preservation Act Committee;	\$400,000	Unallocated Budget Reserve

10. United Parish, for restoration of the steeple tower in the category of historic preservation, subject to the condition that a Grant Agreement between United Parish and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the United Parish and the Community Preservation Act Committee;	\$800,000	Historic Preservation Reserve
11. Brookline Parks & Open Space Division for preservation of Old Burial Ground Tombstones, in the category of historic preservation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Parks & Recreation Division and the Community Preservation Act Committee;	\$78,300	Historic Preservation Reserve
12. Brookline Parks & Open Space Division for preservation of Old Burial Ground Tombstones, in the category of historic preservation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Parks & Recreation Division and the Community Preservation Act Committee;	\$787,098	Unallocated Budget Reserve
13. Brookline Parks & Open Space Division for the Tree Inventories and Planting, to preserve open space, in the category of open space & recreation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Parks & Open Space Division and the Community Preservation Act Committee;	\$35,000	Open Space & Recreation Budget Reserve;
14. Brookline Sustainability & Natural Resources Division for the D. Blakely Hoar Invasive Species Management, to preserve open space, in the category of open space & recreation, subject to the condition that a Memorandum of Agreement between the Sustainability & Natural Resources Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline	\$20,000	Open Space & Recreation Budget Reserve;

Sustainability & Natural Resources and the Community Preservation Act Committee;		
15. Brookline Parks & Open Space Division for a study to preserve and create wetlands, invasive species removal, native plantings, and boardwalk at the Larz Anderson Park, in the categories of Open Space & Recreation, subject to condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Parks & Open Space Division and the Community Preservation Act Committee;	\$375,000	Open Space & Recreation Budget Reserve;
	\$4,072,345	

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

INTRODUCTION

The Community Preservation Act Committee (CPAC) will be recommending eight projects for Town Meeting action and appropriation at its annual meeting in May 2026.

Brookline adopted the Community Preservation Act (CPA) in May 2021. Revenue is generated through a 1 percent local property tax, a variable match from the State Community Preservation Trust Fund and any accumulated interest. Funding for individual projects is conditioned on recommendation from the Community Preservation Act Committee and appropriation at Town Meeting.

Prior to Town Meeting action, proposed CPA projects must meet several eligibility requirements and other constraints. These include but are not limited to:

1. Any proposal concerning real property will be subject to a deed restriction or other property protection.
2. Studies funded by CPA are expected to lead to a CPA eligible project.
3. CPA funds cannot be used to employ municipal/ or other organization's staff.

4. CPA funds cannot be used for ordinary repair and maintenance and must be used for capital improvements.
5. CPA funds must supplement, not replace already appropriated municipal operational funds.
6. Within each funding category, there are other restrictions which will apply.

CPA relies upon the CPA statute, guidance from Department of Revenue (DOR), court rulings concerning CPA, and the Brookline CPA Plan developed by the CPAC in conjunction with the Brookline community. Here is a link to [the plan](#).

The CPAC met many times over the last several months to review applications, ask questions, compare the project requests with CPA Plan goals, and discuss logistics. Review of the applications was broken down by category. Working groups for each category consisted of a small number of the at-large members and appointees from the boards and committees associated with the categories, as well as CPA staff. The working groups analyzed each project in detail, requested more information when needed, and reported back to the full CPAC for further discussion, review and action.

For the 2027 Annual Town Meeting, the CPAC is recommending an appropriation of \$4,072,345. Twelve projects had been submitted this grant cycle. The application process included an Eligibility Application where letters of intent were submitted. The CPAC then determined whether they were eligible uses for CPA funds. Eleven eligible projects were invited to submit formal applications for review.

Community Preservation Act funds are restricted and projects must be tailored to meet the eligible activities outlined in the Act for Open Space, Recreation, Historic Preservation and Community Housing.

Town meeting has three choices: It can, by majority vote, 1) appropriate from CPA resources the CPA recommended projects, 2) deny CPAC recommended appropriations or 3) appropriate CPAC recommendations at a reduced level. Town Meeting cannot increase the CPAC recommended amount for any project, nor can Town Meeting initiate any new recommendations.

ALLOWABLE USES CHART

	Open Space	Historic	Recreation	Housing
Acquire	Yes	Yes	Yes	Yes
Create	Yes	No	Yes	Yes
Preserve	Yes	Yes	Yes	Yes
Support	No	No	No	Yes
Rehabilitate and/or Restore	No (unless acquired or created with CPA \$\$)	Yes	Yes	No (unless acquired or created with CPA \$\$)

1. Community Housing

Brookline's location close to Boston and its high-quality public resources, like its public schools, services, open spaces, walkability, and transit access, make it a well-loved community and one of the country's most expensive places to live. According to the Brookline's CPA Plan, key needs include:

- The creation of affordable rental housing, especially for very low-income households.
- Increasing homeownership opportunities for low and moderate-income households.
- Producing more affordable housing in strategic locations and increasing housing density.
- Preserve existing affordable housing units.
- Supporting housing for very low to extremely low-income people with special needs, especially those at risk of homelessness, older adults, and people with disabilities.

MGL 44B, Section 2 defines "Community Housing" as: Low- and moderate-income housing for individuals and families, including low (80 percent of Area Medium Income (AMI)) or moderate-income (100 percent of AMI) family and senior housing.

Allowable uses for community housing are acquisition, creation, preservation, and support. Every property acquired, created, or preserved with CPA funds must be permanently secured by a deed restriction for affordability. For housing that was not acquired or created with CPA funds, CPA may only fund projects that preserve or

protect the property from injury, harm, or destruction. Renovations and rehabilitation are only allowed for housing that was created or acquired with CPA funds. Rental Assistance programs are an eligible use under the “support category” in the allowable uses chart.

2. Open Space & Recreation

Open space has many well-documented benefits. It captures rainfall and reduces stormwater management costs, increases urban cooling, buffers noise pollution, provides wildlife habitat, protects water quality, promotes active and passive recreation, and benefits mental health.

Protection of open space is essential to sustainable community development and quality of life. Brookline has protected nearly 49 percent of its total open space land area, which contains environmentally essential landscapes and wildlife, using methods such as establishing a Storm Water Management By-Law to address the removal of trees on private property and the renovation of the Fisher Hill Reservoir, a Town-acquired property, into a public park. Water resources – including vernal pools and ponds– must continue to be protected, especially as climate change impacts communities like Brookline. The Town needs to maintain protections for water resources and those areas prone to flooding and invest further into open space and passive recreation spaces with a limited environmental impact.

Brookline residents heavily utilize the trails, parks, playgrounds, and athletic fields. Most CPA plan survey respondents (53 percent) indicated they use these amenities more than once a week. As Brookline’s population grows, there is a need to create more recreational opportunities, especially athletic playing fields, an outdoor pool, and parks (including a dog park). This may necessitate acquiring additional land for active and passive recreation purposes. Simultaneously, the rehabilitation of existing parks and outdoor recreational facilities remains important. Finally, creating walking paths or hiking trails is a top priority for outdoor passive recreation.

a. Open Space

CPA funding can acquire, create and preserve open space. MGL 44B, Section 2 of The Community Preservation Act requires that “Open space”, shall include, but not be limited to, land to protect existing and future well fields, aquifers and recharge areas, watershed land, agricultural land, grasslands, fields, forest land, fresh and salt water marshes and other wetlands, ocean, river, stream, lake and pond frontage, beaches, dunes and other coastal lands, lands to protect scenic vistas, land for wildlife or nature preserve and land for recreational use.

b. Recreational Assets

CPA funding can acquire, create, preserve, and rehabilitate or restore recreation. (Sidewalks alongside roads are not recreational assets and therefore cannot be funded through CPA.¹)

The Community Preservation Act under MGL 44B, Section 2, defines “Recreational use” to include, but not limited to, the use of land for community gardens, trails, and noncommercial youth and adult sports, and the use of land as a park, playground or athletic field. “Recreational use” shall not include horse or dog racing or the use of land for a stadium, gymnasium or similar structure. (This has been interpreted to be used only for outdoor, land-based recreation, not indoor facilities).

3. Historic Preservation

Brookline’s historic resources provide community social, economic, and environmental value. However, these resources can be at risk of disinvestment, re-development, demolition or lack of resources to sustain them. Therefore, they need to be protected.

The Community Preservation Act, under MGL 44B, Section 2, defines a historic resource as “a building, structure, vessel, real property, document, or artifact that is listed on the State Register of Historic Places or has been determined by the local historic preservation commission to be significant in the history, archeology, architecture, or culture of a city or town.” CPA funds can be used for the “acquisition, preservation, rehabilitation, and restoration of historic resources.”

CPAC APPROPRIATION RECOMMENDATIONS

COMMUNITY HOUSING RECOMMENDATIONS

Trustman Apartments Roof Preservation- Brookline Housing Authority - \$1,178,630

This project will preserve existing affordable housing units that are at risk of future water damage. The Trustman Apartments have three buildings with 86 units, with each building having three stories for low-income household families. Replacing the roofs is essential to protect these buildings from future injury, harm or destruction. The roofs have reached the end of their service life.

This year’s CPA award will cover all of their replacement, with matching from Massachusetts High Leverage Asset Preservation Program (HILAPP) funds. This project meets CPA Community Housing Goal 2: Create, preserve, and support housing

¹ “For all intents and purposes, the Pathwalk is a sidewalk and part of the highway; the fact that it connects to the existing Pathway is insufficient to transform its character and endow it with a true recreational purpose consistent with the legislative intent underlying the CPA.” Judge Yessayan, Mauch v. Town of Norwell PLCV2015-00517

for very low to extremely low-income people with special needs, especially those at risk of homelessness, older adults, and people with disabilities.

High Street Veterans (HSV) Apartments Window Preservation- Brookline Housing Authority - \$398,317

This project will preserve existing affordable housing units that are at risk of unsafe/unsanitary conditions. The High Street Veterans Apartments have seven buildings with 177 units, with each building having three stories for low-income Brookline residents. Replacing the windows is essential to protect these buildings from future injury, harm or destruction. The windows have reached the end of their service life. A window replacement project will assure a warmer, healthy, and energy efficient home, plus a reduction in energy costs for the Brookline Housing Authority and the Executive Office of Housing and Livable Communities and preserve the structural integrity of the building.

This year's CPA award will cover a portion of their replacement, with matching from State HILAPP funds. This project meets CPA Community Housing Goal 2: Create, preserve, and support housing for very low to extremely low-income people with special needs, especially those at risk of homelessness, older adults, and people with disabilities.

CPA Funding for the Brookline Affordable Housing Trust- Housing Advisory Board - \$400,000

This funding will be able to be used for the purpose of community housing creation, preservation, and support at the direction of the Housing Advisory Board. The Housing Trust is able to be more flexible in its ability to meet urgent housing needs as may occur outside of the Town Meeting cycle..

This project meets CPA Community Housing Goal 2: Create, preserve, and support housing for very low to extremely low-income people with special needs, especially those at risk of homelessness, older adults, and people with disabilities.

Total funding for Community Housing - \$1,976,947

HISTORIC PRESERVATION RECOMMENDATIONS

United Parish in Brookline- Restoration of Steeple Tower- \$800,000

CPA funds in the historic preservation category will be used to restore the steeple tower. This project will preserve the structure and character as well as its access, for generations to come. The tower was constructed in 1873 and rebuilt in 1927. The stone is exfoliating, cracking, and spalling creating dangerous conditions under and

around the tower, forcing closure of the sanctuary entrance below the tower and other portions of the grounds, and discontinue use of the carillon bells.

The long-term stability and safety of the tower is crucial for the building to serve both the congregation and the approximately 1,500 individuals, as well as many community organizations, such as the Brookline Food Pantry, which use the building every week.

The project supports the CPA Historic Preservation Goal 1: Restore landscapes and structures, especially when project offers environmental benefits or honors the history of marginalized populations.

Old Burial Grounds Tombs Restoration – Parks & Open Space - \$865,398

The Old Burying Ground, located on Walnut Street, is Brookline's first cemetery. Although the cemetery dates back to 1717, its appearance today reflects the ideals of the 19th-century rural cemetery movement. The cemetery is listed as part of the Town Green National Register Historic District. The Town restored half of the tombs in 2014. This proposal is for the restoration work for the remaining Central Ave tombs in the cemetery. The goal of this project is to complete the comprehensive restoration of the remaining tombs and walls within the cemetery to preserve these historic structures for future generations. This restoration effort will ensure the long-term structural stability of the tombs, enhance public safety for visitors, and help deter vandalism through improved condition and stewardship.

The project directly supports CPA Historic Preservation Goal 5: Preserve the Town's historic artifacts or documents, especially when documenting historically marginalized voices.

Total Funding for Historic Preservation - \$1,665,398

OPEN SPACE & RECREATION RECOMMENDATIONS

D. Blakely Hoar Invasive Species Management- Sustainability & Natural Resources Division - \$20,000

Blakely Hoar Sanctuary is a 25-acre wetland that supports diverse wildlife and serves as an important educational and community resource. Invasive species such as phragmites and glossy buckthorn have expanded significantly in recent years, threatening the sanctuary's native wetland ecosystem and overall biodiversity.

This request seeks CPA funding to continue contracted removal and control of invasive vegetation, focusing on priority areas along the main boardwalk. Building on a previous CPA-funded phase, this ongoing, phased approach, supported by the Parks & Open Space and Sustainability & Natural Resources Division, will help preserve

ecological health and advance the Town's Open Space Goal 3: protecting natural areas from invasive species through removal, restoration, and native plant reestablishment.

Tree Inventory- Parks & Recreation- \$35,000

Current projections indicate that, over the coming decades, climate change will bring warming temperatures, a decrease in air quality, changing precipitation patterns, more frequent extreme weather, and an increase in threats from pests and diseases. These significant environmental impacts will put Brookline's urban forest at risk. To combat climate-related challenges, the Town must act now to ensure the urban forest is resilient, robust, and equitably distributed. This project aims to do just that by implementation of a forestry master plan for the removal of dead or hazardous trees and successional planting at the following parks: Waldstein Playground, Warran Playground, New Lincoln, Soule and Harry Downes Playground. The project includes an inventory of trees at Amory Playground, Billy Ward Playground, Clark Playground, Coolidge Playground, Corey Hill Playground, Cypress Street Playground, and Lawton Playground. The arborist will provide a map and/or detailed description of tree locations, and attributes for each tree. Each inventory will also provide recommendations for tree care, maintenance, and health.

An inventory of the tree canopy at these locations aligns with Open Space Goal 1: Promote climate resilience by acquiring, creating, and preserving open space in areas prone to urban heat island impacts or flooding, including protecting and expanding the tree canopy on open space sites.

Larz Anderson Park Green Infrastructure Study - Parks and Open Space Division -\$375,000

More work needs to be done to ensure resiliency of Larz Anderson Park as the Town prepares for even greater impacts of climate change. This project seeks a consultant team to conduct a stormwater analysis with the goal of enhancing stormwater resiliency with green infrastructure, preserving the ecological value of existing wet meadows, creating new wet meadows through plantings, and creating new opportunities for passive recreation through integrating boardwalks and pathways with the proposed green infrastructure areas. The ultimate deliverable for the project will be a complete set of construction documents for bidding, permitting assessment, and cost estimates for recommended improvements. The key areas of focus will be the hillside from the Auto Museum down to the lagoon and surrounding environs, and the area near the junction of Avon Street and Goddard Avenue.

Total Funding for Open Space and Recreation - \$ 430,000

Total Appropriation for all Categories - \$4,072,345

FISCAL YEAR 2027 COMMUNITY PRESERVATION ACT BUDGET

As explained above, Town meeting appropriates CPA expenditures from the Community Preservation Fund. The Community Preservation Fund's revenue is comprised from the 1 percent local surcharge, match from the State Community Preservation Trust Fund and accrued interest. By statute, 10 percent of the estimated annual revenue is to be appropriated to a reserve account for each category.

We are recommending eight projects that total \$4,072,345. This includes funds being carried over from prior fiscal years.

FISCAL YEAR 2027 COMMUNITY PRESERVATION ACT APPROPRIATIONS

The CPAC currently estimates that revenue in FY27 will be \$3,934,000 with \$393,400 funding each of the funding category reserve accounts, \$196,700 set aside for administrative purposes and \$2,557,100 funding of the unallocated budgeted reserve for CPA purposes. The CPAC generally does not recommend any appropriation from the FY 27 estimated revenue in this grant cycle. Our intention is to fund projects from the revenue that we have in hand, rather than base funding decisions on estimates of revenue which will be collected in the coming future fiscal year. Next year's grant cycle will be our opportunity to utilize FY 27 funds.

CPA EXPENDITURES

All projects receiving Town Meeting approval will be required to enter into a Grant Agreement or a Memorandum of Agreement. Some projects will require deed restrictions. CPA funds will be dispersed according to a schedule that will require invoices and documentation of actual expenses and periodic progress reports. Staff will ensure that the invoiced expenses are allowable under MGL 44B.

The Community Preservation Act allows for administrative expenses up to 5 percent of the revenue. These funds are used for support staff and for administering the CPA program, legal consultation, consultants, environmental and land survey, appraisals, and other necessary administrative expense that arise out of administering the program. Each fiscal year, the unspent balance is returned to the CPA unallocated budget reserve.

The Community Preservation Act (CPA) revenue shown in the chart below is updated annually using actual figures from the Town's MUNIS financial system once they become available.

ANNUAL REVENUE & APPROPRIATIONS IN FY 22, 23, 24, 25, 26 & 27

Fiscal Year	Revenue	10 percent Open Space Reserve	10 percent Community Housing Reserve	10 percent Historic Preservation Reserve	Administrative	Budgeted Reserve
FY 2022	\$2,677,119	\$260,000	\$260,000	\$260,000	\$0	\$1,897,119
FY 2023	\$3,931,522	\$270,000	\$270,000	\$270,000	\$179,350	\$2,942,172
FY 2024	\$4,006,243	\$465,000	\$465,000	\$465,000	\$177,500	\$2,433,753
FY 2025	\$4,072,345	\$405,000	\$405,000	\$405,000	\$177,500	\$2,679,845
FY 2026	\$3,934,193 *	\$405,000	\$405,000	\$405,000	\$187,500	\$2,531,963
FY 2027	\$3,934,000 *	\$393,400	\$393,400	\$393,400	\$195,7000	\$2,557,100

Sources: Revenue figures: Town of Brookline MUNIS financial system (Comptroller's Office). Reserve and administrative appropriations: Town Meeting-voted warrant articles for each fiscal year.

*For FY26, the chart reflects actual surcharge revenue and the state trust fund match. Interest earnings are shown as a conservative estimate; final interest revenue will not be known until the close of FY26. For FY27, all three revenue components-the surcharge, interest earnings, and the state match-are presented as conservative estimates based on projected tax receipts and anticipated state distributions.

PETITIONER MOTION

VOTED that the Town appropriate the following amounts from Community Preservation Fund annual revenues as recommended by the Community Preservation Act Committee for its reserve accounts and, for its unallocated budget reserve to be further appropriated at a future Town Meeting with each item to be considered a separate appropriation as follows:

<u>PURPOSE</u>	<u>AMOUNT</u>
<u>FY 27 EXPECTED ANNUAL REVENUE</u>	
1.Unallocated Budget Reserve	\$2,557,100
2.Open Space & Recreation Reserve	\$393,400
3.Historic Preservation Reserve	\$393,400
4.Community Housing Reserve	\$393,400
TOTAL APPROPRIATIONS	\$3,934,000

VOTED that the Town appropriate **\$196,700** from the FY **2027** Community Preservation Fund revenues to the CPA Administrative Expenses account for eligible FY **2027** administrative expenses, such funds to be expended under the direction of the Community Preservation Act Committee.

<u>FY27 Appropriations</u>	
5.CPA Committee – Administration	\$196,700

VOTED that the Town appropriate funds from the Community Preservation Fund for eligible community preservation projects; from the community preservation reserve accounts for historic preservation, open space and recreation, and community housing; in Fiscal Year 2027, with each item to be considered a separate appropriation as follows:

<u>FY27 GRANT RECOMMENDATIONS & PURPOSE</u>		
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6. Brookline Housing Authority at Trustman Apartments for roof replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$380,230	Unallocated Budget Reserve
7. Brookline Housing Authority at Trustman Apartments for roof replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$798,400	Community Housing Budget Reserve
8. Brookline Housing Authority at High Street Veterans Apartments for window replacement/preservation in the category of community housing, subject to the condition that a Grant Agreement between the Brookline Housing Authority and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Housing Authority and the Community Preservation Act Committee;	\$398,317	Unallocated Budget Reserve
9. Housing Advisory Board (Affordable Housing Trust) for the purpose of community housing creation, preservation, and support in the category of community housing, subject to the condition that a Memorandum of Understanding between the Housing Advisory Board and the Community Preservation Act Committee be executed, and said funds to be expended under the direction of the Housing Advisory Board and Select Board, in consultation with the Community Preservation Act Committee;	\$400,000	Unallocated Budget Reserve
10. United Parish, for restoration of the steeple tower in the category of historic preservation, subject to the condition that a Grant Agreement between United Parish and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the United Parish and the Community Preservation Act Committee;	\$800,000	Historic Preservation Reserve

11. Brookline Parks & Open Space Division for preservation of Old Burial Ground Tombstones, in the category of historic preservation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Parks & Recreation Division and the Community Preservation Act Committee;	\$78,300	Historic Preservation Reserve
12. Brookline Parks & Open Space Division for preservation of Old Burial Ground Tombstones, in the category of historic preservation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Parks & Recreation Division and the Community Preservation Act Committee;	\$787,098	Unallocated Budget Reserve
13. Brookline Parks & Open Space Division for the Tree Inventories and Planting, to preserve open space, in the category of open space & recreation, subject to the condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Parks & Open Space Division and the Community Preservation Act Committee;	\$35,000	Open Space & Recreation Budget Reserve;
14. Brookline Sustainability & Natural Resources Division for the D. Blakely Hoar Invasive Species Management, to preserve open space, in the category of open space & recreation, subject to the condition that a Memorandum of Agreement between the Sustainability & Natural Resources Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Sustainability & Natural Resources and the Community Preservation Act Committee;	\$20,000	Open Space & Recreation Budget Reserve;

15. Brookline Parks & Open Space Division for a study to preserve and create wetlands, invasive species removal, native plantings, and boardwalk at the Larz Anderson Park, in the categories of Open Space & Recreation, subject to condition that a Memorandum of Agreement between the Brookline Parks & Open Space Division and the Community Preservation Act Committee be executed, said funds to be expended under the direction of the Brookline Parks & Open Space Division and the Community Preservation Act Committee;	\$375,000	Open Space & Recreation Budget Reserve;
	\$4,072,345	

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

ARTICLE 12

TWELVTH ARTICLE

Submitted by: Mike Toffel (TMM-8) and Alec Lebovitz (TMM-8)

To see if the Town will add Article X.X “XXX” of the Town's General By-law as follows

ARTICLE X.X

SECTION X.X.X Transparency of Public Record Request and Responses

The Town shall ensure that all Public Record requests made of the Town of Brookline as well as all responses — except those subject to a statutory exclusion — are made publicly available via the Town’s website as soon as practicable but no later than 14 days after either the Town receives a request or the Town issues a response.

or act on anything relative thereto.

PETITIONER’S ARTICLE DESCRIPTION

The public has a right to know what Public Records are being requested of the Town, and how quickly, forthrightly, and comprehensively the Town is responding to those requests. The Town of Brookline has chosen not to make *neither* Public Records requests nor responses publicly available, despite the software’s capability of doing so. This bylaw would require that both be made publicly available on a timely basis, and have Brookline join other municipalities including Newton and Framingham (which uses the same software provider as Brookline) that have already enacted these transparency measures, as shown below.

1. Brookline prevents the public from viewing Public Records requests and responses

The Brookline Town Clerk operates a Public Records Request website at <https://www.brooklinema.gov/1950/Public-Records-Request> Clicking on “Make a Request” brings one to the following website operated by FOIADirect for the Town: <https://townforms.com/FOIADirect-BrooklineMACitizens/Public/Request/PublicRequest.aspx?>

Clicking on “Search All Requests” from 1/1/2025 through 12/31/2025 yields a list of 480 Public Records request, all of whose details are hidden “[This request has been marked 'Private' by the town]” as depicted in Figure 1 below:

Figure 1. Results of searching of Brookline Public Record Requests

foiairect Home Make a Request Search Requests Search Documents Citizen's Login

Search Request Parameters

Search for keywords

Department Request Status ☐ Open ☐ Closed ☒ All

Request Date From To Request Access ☐ Public ☐ Private ☒ All

Total Records : 480

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Req. No.	Requester	Request Date	Response Date	Department	Status	Request Details
2025-0480						[This request has been marked 'Private' by the town]
2025-0479						[This request has been marked 'Private' by the town]
2025-0478						[This request has been marked 'Private' by the town]
2025-0477						[This request has been marked 'Private' by the town]
2025-0476						[This request has been marked 'Private' by the town]
2025-0475						[This request has been marked 'Private' by the town]
2025-0474						[This request has been marked 'Private' by the town]

2. Newton enables the public to view Public Records requests and responses

Searching Newton's Public Records requests at <https://newtonma.nextrequest.com/requests?closed=true> reports details of 1183 public record request and their responses, as indicated in Figures 2a and 2b.

Figure 2a. Tabular results of searching of Newton Public Record Requests

City of Newton NextRequest Make request All requests Documents

Explore 1183 requests ...

If you need City of Newton records that may have been previously released, please search past requests. You may find what you need!

Filters 1183 Requests filtered by Closed

Search requests

Request status ☒ Closed ☐ Open

Departments

Request	Status	Request description	Departments
26-26	☒	Hello: We are doing a property line and topographic survey on...	Engineering
26-24	☒	Samiotes Consultants, Inc. is doing a topographic survey of Pa...	Engineering
26-22	☒	Good Morning, We are in the process of conducting an existin...	Engineering
26-21	☒	Hi, I am a civil engineer working on site plans for a new con...	Engineering
26-17	☒	Hello, Can you please provide me with the utility records (H...	Engineering
26-12	☒	I am conducting a survey in the general vicinity of 135 Algonq...	Engineering
26-8	☒	Street Layout Plan for 331 Elliot St.	Engineering

Figure 2b. A Newton Public Record Request Response that Includes the Requested Files

City of Newton
NextRequest

Make request All requests Documents

Sign in

Request 26-26

☒ Closed

1 of 1183 with filters active

Dates

Received
January 07, 2026 via web

Staff assigned

Departments
Engineering
Point of contact
Greta McConnell

Request

Hello:
We are doing a property line and topographic survey on Bernard Lane, and I would like to request street line information (layout plans, field notes, etc.) for Bernard Lane and the surrounding streets. Including, Collins Road and Chestnut Street.
I have attached a map showing the location.

Thank you,
Dan Clifford
DGT Associates

Timeline Documents

Request published Anyone with access to this request
January 13, 2026, 12:51pm by Staff

Request closed Anyone with access to this request
The City has finalized its review of your request for public records. A search of all public records in the custody and control of the City reveals that the attached documents are responsive to your request. There is no charge associated with this request. This completes the City's response.
In accordance with the state regulations pertaining to public records, you have the right to appeal the response to your request for records to the Supervisor of Public Records pursuant to 950 CMR 32.08.
January 13, 2026, 12:51pm by Staff

Document(s) released Anyone with access to this request
B12_22469-22471.pdf
January 13, 2026, 12:51pm by Staff

Document(s) released Anyone with access to this request
N60_22553.pdf
January 13, 2026, 12:49pm by Staff

Document(s) released Anyone with access to this request
D5_BK155 22849.pdf
January 13, 2026, 12:43pm by Staff

Document(s) released Anyone with access to this request
D11_21788-21790.pdf

2. Framingham enables the public to view Public Records requests and responses

Framingham uses the same software provider as Brookline, but does not hide requests and responses as Brookline currently does. Searching Framingham's Public Record requests at <https://www.townforms.com/FOIADirect-FraminghamMACitizens/Public/Request/PublicRequest.aspx?> via "Search All Requests" from 1/1/2025 to 12/31/2025 yields a total of 4418 requests, only 5 of which marked "private" – that's a mere 0.1% (=5/4418).

Figure 2a. Tabular results of searching of Framingham Public Record Requests

foiadirect Home Make a Request Search Requests Search Documents Citizen's Login to view details of

Search Request Parameters

Search for keywords

Department Request Status ☐ Open ☐ Closed ☒ All

Request Date From To Request Access ☐ Public ☐ Private ☒ All

Total Records : 4418

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Req. No.	Requester	Request Date	Response Date	Department	Status	Request Details
2026-0053	Stephanie Schreiner	12/30/2025		Schools	On-Hold	Stephanie.Schreiner@openthebooks.comTue, Dec 30, 2025, 3:21?PM (6 days ago)to mePursuant to the Publ ...
2025-4417	Drumond Auto Body	12/31/2025	01/02/2026	Police	Response Sent	Dayane De Souza Soares 2015 Toyota Sienna PLATE #6BCV99 VIN#5TDJK3DC8FS120266 DATE OF ACCI ...
2025-4416	Jonathan Merrigan	12/31/2025		Police	On-Hold	Dear Records Officer:This is a request under Massachusetts Public Records Law (M.G.L. Chapter 66, Se ...
2025-4415	Audrey Von-Maszewski	12/31/2025	01/12/2026	Clerk	Response Sent	I am requesting all documents associated with case number 2549CV000552EF. It is a civil suit against ...

Figure 2b. A Framingham Public Record Request Response that Includes the Requested File

FRAMINGHAM MASSACHUSETTS

foiadirect Home Make a Request Search Requests Search Documents Citizen's Login

Request Number 2025-4417

Request Details

Request Submitted 12/31/2025 3:58:12 PM

Requester Name Drumond Auto Body

Requested Department Police

Request Content Dayane De Souza Soares
2015 Toyota Sienna PLATE #6BCV99 VIN#5TDJK3DC8FS120266
DATE OF ACCIDENT 12/19/2025 14:55
POLICE REPORT #25-067829

Request Document Attachment No document submitted by requester.

Response Details

Response Date 1/2/2026 2:01:29 PM

Response Department Police

Response Content Please see attached report.

Response Document Attachment [FR_Crash25-007829_RedactedFOIA.pdf](#)

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

Petitioner Motion offered under Warrant Article 12
Annual Town Meeting 2026
Moved by: Alec Lebovitz (TMM-8).
Seconded by Mike Toffel (TMM-8)
Version: April 21, 2025 DRAFT

MOTION OFFERED BY THE PETITIONER

VOTED that ~~To see if~~ the Town will add Article X.X "Transparency of Public Record Request and Responses~~XXX~~" of the ~~Town's~~ General By-law as follows:

ARTICLE X.X

TRANSPARENCY OF PUBLIC RECORD REQUEST AND RESPONSES

SECTION X.X.1~~X~~ DEFINITIONS ~~Transparency of Public Record Request and Responses~~

Requests: includes the requester name, the request date, the department to which the request is made, and the text of the request.

Responses: includes the response date, the department that responded, and a brief description of the response provided including a list of any Public Records provided.

SECTION X.X.2. REQUIREMENTS

The Town Clerk shall ensure that all Public Record requests made of the Town of Brookline as well as all responses ~~—except those subject to a statutory exclusion—~~ are made publicly available via the Town's website as soon as practicable but no later than ~~14~~30 days after either the Town receives a request or the Town issues a response.

~~or act on anything relative thereto.~~

Comparison to petitioner's original Warrant Article:

The content of this motion differs from the original language of Warrant Article 12 in four ways. First, definitions are added for requests and responses in order to clarify the minimum information this bylaw requires be disclosed. Second, copies of the Public Records disclosed are no longer required to be included in the information this bylaw requires be disclosed, due to the high cost estimates provided by Town staff that would be necessary to make all such files posted on the Town's website disability-accessible pursuant to state disability law. Third, the required deadline is extended from 14 to 30 days to enable Town staff to reduce the amount of time required to fulfill these requirements by enabling them batch the work, a change inspired by the petitioners' discussion with Town staff. Fourth, "Clerk" was added clarify responsibility.

Explanation

The public has a right to know what Public Records are being requested of the Town, and how quickly, forthrightly, and comprehensively the Town is responding to those requests. The Town of Brookline has chosen not to make *neither* Public Records requests nor responses publicly available, despite the software’s capability of doing so. This bylaw would require that both be made publicly available on a timely basis, and have Brookline join other municipalities including Newton and Framingham (which uses the same software provider as Brookline) that have already enacted these transparency measures, as shown below.

1. Brookline prevents the public from viewing Public Records requests and responses

The Brookline Town Clerk operates a Public Records Request website at <https://www.brooklinema.gov/1950/Public-Records-Request>. Clicking on “Make a Request” brings one to the following website operated by FOIADirect for the Town: <https://townforms.com/FOIADirect-BrooklineMACitizens/Public/Request/PublicRequest.aspx?> Clicking on “Search All Requests” from 1/1/2025 through 12/31/2025 yields a list of 480 Public Records request, all of whose details are hidden “[This request has been marked 'Private' by the town]” as depicted in Figure 1 below:

Figure 1. Results of searching of Brookline Public Record Requests

foiadirect Home Make a Request Search Requests Search Documents Citizen's Login

Search Request Parameters

Search for keywords:

Department:

Request Status: ☐ Open ☐ Closed ☒ All

Request Date From: To:

Request Access: ☐ Public ☐ Private ☒ All

Total Records : 480

Page of 5

Req. No.	Requester	Request Date	Response Date	Department	Status	Request Details
2025-0480						[This request has been marked 'Private' by the town]
2025-0479						[This request has been marked 'Private' by the town]
2025-0478						[This request has been marked 'Private' by the town]
2025-0477						[This request has been marked 'Private' by the town]
2025-0476						[This request has been marked 'Private' by the town]
2025-0475						[This request has been marked 'Private' by the town]
2025-0474						[This request has been marked 'Private' by the town]

2. Newton enables the public to view Public Records requests and responses

Searching Newton’s Public Records requests at <https://newtonma.nextrequest.com/requests?closed=true> reports details of 1183 public record request and their responses, as indicated in Figures 2a and 2b.

Figure 2a. Tabular results of searching of Newton Public Record Requests

City of Newton
NextRequest

[Make request](#)
[All requests](#)
[Documents](#)

Explore 1183 requests

1 2 ... 12

If you need City of Newton records that may have been previously released, please search past requests. You may find what you need!

Filters

Reset filters

Search requests

Search by keyword in a request

Request status

☒ Closed
☐ Open

Departments

Search Departments

Apply filters

1183 Requests filtered by Closed

Request	Status	Request description	Departments
26-26	☒	Hello: We are doing a property line and topographic survey on...	Engineering
26-24	☒	Samiotes Consultants, Inc. is doing a topographic survey of Pa...	Engineering
26-22	☒	Good Morning, We are in the process of conducting an existin...	Engineering
26-21	☒	Hi, I am a civil engineer working on site plans for a new con...	Engineering
26-17	☒	Hello, Can you please provide me with the utility records (H...	Engineering
26-12	☒	I am conducting a survey in the general vicinity of 135 Algonq...	Engineering
26-8	☒	Street Layout Plan for 331 Elliot St.	Engineering

City of Newton

NextRequest

Make request

All requests

Documents

Sign in

<

>

Request 26-26

✓

Closed

1 of 1183 with filters active

Dates

Received

January 07, 2026 via web

Staff assigned

Departments

Engineering

Point of contact

Greta McConnell

Request

Hello:

We are doing a property line and topographic survey on Bernard Lane, and I would like to request street line information (layout plans, field notes, etc.) for Bernard Lane and the surrounding streets. Including, Collins Road and Chestnut Street.

I have attached a map showing the location.

Thank you,

Dan Clifford

DGT Associates

TimelineDocuments

👁

Request published

Anyone with access to this request

January 13, 2026, 12:51pm by Staff

✓

Request closed ^

Anyone with access to this request

The City has finalized its review of your request for public records. A search of all public records in the custody and control of the City reveals that the attached documents are responsive to your request. There is no charge associated with this request. This completes the City's response.

In accordance with the state regulations pertaining to public records, you have the right to appeal the response to your request for records to the Supervisor of Public Records pursuant to 950 CMR 32.08.

January 13, 2026, 12:51pm by Staff

📄

Document(s) released

Anyone with access to this request

B12_22469-22471.pdf

January 13, 2026, 12:51pm by Staff

📄

Document(s) released

Anyone with access to this request

N60_22553.pdf

January 13, 2026, 12:49pm by Staff

📄

Document(s) released

Anyone with access to this request

D5_BK155 22849.pdf

January 13, 2026, 12:43pm by Staff

📄

Document(s) released

Anyone with access to this request

D11_21788-21790.pdf

Frammingham uses the same software provider as Brookline, but does not hide requests and responses as Brookline currently does. Searching Frammingham’s Public Record requests at <https://www.townforms.com/FOIADirect-FramminghamMACitizens/Public/Request/PublicRequest.aspx?> via “Search All Requests” from 1/1/2025 to 12/31/2025 yields a total of 4418 requests, only 5 of which marked “private” – that’s a mere 0.1% (=5/4418).

Figure 3a. Tabular results of searching of Framingham Public Record Requests

[Home](#)
[Make a Request](#)
[Search Requests](#)
[Search Documents](#)
[Citizen's Login](#)
[to view details of](#)

Search Request Parameters

Search for keywords
 Department All
 Request Date From 01/01/2025 To 12/31/2025
 Request Status ☐ Open ☐ Closed ☒ All
 Request Access ☐ Public ☐ Private ☒ All

[Search](#)
[Clear Search](#)

Total Records : 4418
 [Export To Excel](#)

[<< First Page](#)
[< Previous Page](#)
 Page 1 of 45
 [Next Page >](#)
[Last Page >>](#)

Req. No.	Requester	Request Date	Response Date	Department	Status	Request Details
2026-0053	Stephanie Schreiner	12/30/2025		Schools	On-Hold	Stephanie.Schreiner@openthebooks.comTue, Dec 30, 2025, 3:21?PM (6 days ago)to mePursuant to the Publ ...
2025-4417	Drumond Auto Body	12/31/2025	01/02/2026	Police	Response Sent	Dayane De Souza Soares 2015 Toyota Sienna PLATE #6BCV99 VIN#5TDJK3DC8FS120266 DATE OF ACCI ...
2025-4416	Jonathan Merrigan	12/31/2025		Police	On-Hold	Dear Records Officer:This is a request under Massachusetts Public Records Law (M.G.L. Chapter 66, Se ...
2025-4415	Audrey Von-Maszewski	12/31/2025	01/12/2026	Clerk	Response Sent	I am requesting all documents associated with case number 2549CV000552EF. It is a civil suit against ...

Figure 3b. A Framingham Public Record Request Response that Includes the Requested File

[Home](#)
[Make a Request](#)
[Search Requests](#)
[Search Documents](#)
[Citizen's Login](#)

[Back](#)

Request Number 2025-4417

Request Details

Request Submitted 12/31/2025 3:58:12 PM
 Requester Name Drumond Auto Body
 Requested Department Police
 Request Content Dayane De Souza Soares
2015 Toyota Sienna PLATE #6BCV99 VIN#5TDJK3DC8FS120266
DATE OF ACCIDENT 12/19/2025 14:55
POLICE REPORT #25-067829
 Request Document Attachment No document submitted by requester.

Response Details

Response Date 1/2/2026 2:01:29 PM
 Response Department Police
 Response Content Please see attached report.
 Response Document Attachment [FR_Crash25-007829_RedactedFOIA.pdf](#)

ARTICLE 21

TWENTY-FIRST ARTICLE

Submitted by: Frances Labaree

To see if the Town will adopt the following resolution:

Whereas: access to health care has become one of the biggest political issues of the day and is of great concern to ourselves and our neighbors; and

Whereas: the U.S. remains one of the few countries that does not provide universal publicly funded health care: and

Whereas: the cost of health care keeps increasing thereby creating a burden and a concern to us all; and

Whereas: the number on people who do not have affordable access to quality health care increases, the health of our communities decreases; and

Whereas: the cost of health insurance increases and the policies include up-front costs of co-pays and deductibles that are a burden for employers and employees; and

Whereas:, in particular, the money spent by Cities and Towns to cover their employees is a burdensome cost to both the employer and the employees; and

Whereas: these funds could be better spent to improve the overall quality of life and to increase wages and salaries and other benefits; and

Whereas: Massachusetts has been a leader in providing coverage for quality health care for its people; and

Whereas: there is an alternative means of providing health care for all that also provides better coverage, without co-pays and deductibles, and includes medical, dental, long-term, and preventative care; and

Whereas: An Act Establishing Medicare for All in Massachusetts creates that alternative and has been introduced in the Legislature as HD.1228 and SD.2342; and

Whereas: this Act would save the Town of Brookline an estimated \$35,415,168.24 million dollars in the first year alone;

Therefore, be it Resolved:

That the Town of Brookline endorses An Act Establishing Medicare for All in Massachusetts and will communicate its support to our State Representative(s) and State Senator(s).

Or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

None submitted

SELECT BOARD'S RECOMMENDATION

ROLL CALL VOTE:

Aye:

ADVISORY COMMITTEE'S RECOMMENDATION

XXX

Warrant Article 21

Clean copy of amended article:

ARTICLE 21

Submitted by: Frances Labaree

VOTED: That the Town adopt the following resolution:

Whereas: access to health care has become one of the biggest political issues of the day and is of great concern to us and our neighbors; and

Whereas: the U.S. remains one of the few countries that does not provide universal publicly funded health care; and

Whereas: the cost of health care keeps increasing thereby creating a burden and a concern to us all; and

Whereas: the number of people who do not have affordable access to quality health care increases, negatively impacting the health of our communities; and

Whereas: the cost of health insurance increases and the policies include up-front costs of co-pays and deductibles that are a burden for employers and employees; and

Whereas: in particular, the money spent by Cities and Towns to cover their employees is a burdensome cost to both the employer and the employees; and

Whereas: these funds could be better spent to improve the overall quality of life and to increase wages and salaries and other benefits; and

Whereas: Massachusetts has been a leader in providing coverage for quality health care for its people; and

Whereas: there is an alternative means of providing health care for all that also provides better coverage, without co-pays and deductibles, and includes medical, dental, long-term, and preventative care; and

Whereas: legislation has been introduced in the MA state legislature to create a single-payer health care system (HD.1228 and an equivalent SD piece of legislation); and

Whereas: such a law would save the Town of Brookline tens of millions of dollars in the first year alone;

Therefore, be it Resolved:

That the Town of Brookline urges the Commonwealth to develop and establish a state health care system that provides universal, affordable, and accessible health care for all residents and reduces costs for municipalities and will communicate its support of such to our State Representatives and State Senator.

Edited version of article (deleted text shown with strike outs and new text in boldface underlined type):

ARTICLE 21

Submitted by: Frances Labaree

VOTED: That the Town adopt-adopts the following resolution:

Whereas: access to health care has become one of the biggest political issues of the day and is of great concern to us and our neighbors; and

Whereas: the U.S. remains one of the few countries that does not provide universal publicly funded health care; and

Whereas: the cost of health care keeps increasing thereby creating a burden and a concern to us all; and

Whereas: the number of people who do not have affordable access to quality health care increases, negatively impacting the health of our communities; and

Whereas: the cost of health insurance increases and the policies include up-front costs of co-pays and deductibles that are a burden for employers and employees; and

Whereas: in particular, the money spent by Cities and Towns to cover their employees is a burdensome cost to both the employer and the employees; and

Whereas: these funds could be better spent to improve the overall quality of life and to increase wages and salaries and other benefits; and

Whereas: Massachusetts has been a leader in providing coverage for quality health care for its people; and

Whereas: there is an alternative means of providing health care for all that also provides better coverage, without co-pays and deductibles, and includes medical,

dental, long-term, and preventative care; and

~~Whereas: An Act Establishing Medicare for All in Massachusetts creates that alternative and has been introduced in the Legislature as HD.1228 and SD.2342; and~~

~~Whereas: this Act would save the Town of Brookline an estimated \$35,415,168.24 million dollars in the first year alone;~~

~~Therefore be it Resolved:~~

~~That the Town of Brookline endorses An Act Establishing Medicare for All in Massachusetts and will communicate its support to our State Representatives and State Senator.~~

Whereas: legislation has been introduced in the MA state legislature to create a single-payer health care system (HD.1228 and an equivalent SD piece of legislation); and

Whereas: such a law would save the Town of Brookline tens of millions of dollars in the first year alone;

Therefore, be it Resolved:

That the Town of Brookline urges the Commonwealth to develop and establish a state health care system that provides universal, affordable, and accessible health care for all residents and reduces costs for municipalities and will communicate its support of such to our State Representatives and State Senator.