



**BOARD OF SELECTMEN**

**CALENDAR**

**FOR**

**TUESDAY, FEBRUARY 7, 2017**

**SELECTMEN'S HEARING ROOM**

- Neil Wishinsky-  
Chairman
- Nancy A. Daly
- Benjamin J. Franco
- Nancy S. Heller
- Bernard W. Greene
- Melvin A. Kleckner –  
Town Administrator

1. **OPEN SESSION**

6:30 P.M. Question of whether the Board of Selectmen shall enter into Executive Session for the purpose of discussing strategy with respect to litigation in the matter of **Churchill Paes v. the Town of Brookline, et al.**

2. **PROPOSED EXECUTIVE SESSION**  
**LITIGATION**

For the purpose of discussing strategy with respect to litigation in the matter of **Dawn Churchill Paes v. the Town of Brookline, et al, MCAD Docket No. 13BEM00204, and related matters.**

3. **ANNOUNCEMENTS/UPDATES**

7:00 P.M. Selectmen to announce recent and/or upcoming Events of Community Interest.

4. **PUBLIC COMMENT**

**Public Comment period for citizens who requested to speak to the Board regarding Town issues not on the Calendar.**

*Up to fifteen minutes for public comment on matters not appearing on this Calendar shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the*

*Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Selectmen's office at 617-730-2211 or by e-mail at [sorsini@brooklinema.gov](mailto:sorsini@brooklinema.gov). The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>*

5. **MISCELLANEOUS**

Approval of miscellaneous items, licenses, vouchers, and contracts.

A. Question of approving the minutes of January 31, 2017.

6. **CALENDAR**

Review and potential vote on Calendar Items

7. **INTERIM HEALTH DEPARTMENT DIRECTOR**

Question of appointing Pat Maloney (Director of Environmental Health) as Acting Director of the Health Department effective Tuesday, February 7, 2017.

8. **RECREATION DEPARTMENT – PERSONNEL**

Question of authorizing the filling of the Assistant Recreation Director (T-10) vacancy in the Recreation Department.

9. **BOARDS AND COMMISSIONS - INTERVIEWS**

The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

**Transportation Board**  
Pam Zelnick

10. **REMOVAL OF PUBLIC SHADE TREE**

Question of granting a permit to Jewish Community Housing for the Elderly (JCHE) for the removal of a public shade tree located at 12 Williams Street.

11. **NETA RMD LICENSE – AMENDMENT TO CONDITIONS**

7:30 P.M. Question of approving an additional condition on the New England Treatment Access, Inc. d/b/a NETA, Registered Marijuana Dispensary (RMD) License.

**12. EQUAL EMPLOYMENT OPPORTUNITY POLICY**

**Sandra DeBow (Human Resources Director), Lloyd Gellineau (Chief Diversity Officer), and Kelly Race (Member, Commission for Diversity, Inclusion and Community Relations) will appear to present and seek the Board of Selectmen's adoption of the Equal Employment Opportunity Policy.**

**13. SOCIAL MEDIA POLICY**

**Sandra DeBow, Human Resources Director, will appear to present and seek the Board of Selectmen's adoption of the Social Media Policy.**

**14. 8-10 WALDO STREET – 40B ELIGIBILITY**

**Further discussion and approval of the Board of Selectmen's response to MassDevelopment's request for comments relative to the application submitted by Chestnut Hill Realty for a Project Eligibility Letter to apply for a Comprehensive Permit for 8-10 Waldo Street (a/k/a the Waldo-Durgin garages).**

**15. SANCTUARY CITY**

**Discussion of a Statement regarding the Town of Brookline's Status as a Sanctuary Town.**

**16. BOARDS AND COMMISSIONS - APPOINTMENTS**

**The following candidates for appointment/reappointment to the following Boards and Commissions:**

**Board of Assessors  
Planning Board  
Transportation Board**

*The Town of Brookline does not discriminate on the basis of disability in admission to, access to, or operations of its programs, services or activities. Individuals who need auxiliary aids for effective communication in programs and services of the Town of Brookline are invited to make their needs known to Lloyd Gellineau, Town of Brookline, 11 Pierce Street, Brookline, MA 02445. Telephone (617) 730-2328; TDD (617) 730-2327; or e-mail at [Lgellineau@brooklinema.gov](mailto:Lgellineau@brooklinema.gov)*



## **MINUTES**

### **BOARD OF SELECTMEN**

### **IN BOARD OF SELECTMEN TUESDAY, JANUARY 31, 2017 6<sup>th</sup> FLOOR HEARING ROOM**

Present: Selectman Neil Wishinsky, Selectman Nancy Daly,  
Selectman Benjamin J. Franco, Selectman Nancy S.  
Heller, Selectman Bernard W. Greene

#### OPEN SESSION

Question of whether the Board of Selectmen shall enter into Executive Session for the purpose of discussing litigation strategies in the matters of Prentice Pilot and Estifanos Zerai-Misgun v. the Town of Brookline et, al. and Gerald Alston v. the Town of Brookline, et al.

#### PROPOSED EXECUTIVE SESSION LITIGATION

For the purpose of discussing litigation strategies in the matter of Prentice Pilot and Estifanos Zerai-Misgun v. the Town of Brookline et, al. and Gerald Alston v. the Town of Brookline, et al.

#### EXECUTIVE SESSION

In Open Session- the Chair must state the purpose for Executive Session, stating all subjects that may be revealed without compromising the purpose for which the Executive Session was called.

The Chair then stated the reason(s) for the Executive Session:

*To discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigating position of the public body, and the chair so declares. G.L. c. 30A, §§ 21(a)(3).*

The Board of Selectmen, during a properly constituted and noticed meeting:

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VOTED: to go into Executive Session

Roll Call Vote:

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

The Board of Selectmen (WILL) RECONVENE in Open Meeting after the Executive Session.

### ANNOUNCEMENTS/UPDATES

Selectmen to announce recent and/or upcoming Events of Community Interest.

February 4, the Pan Asian celebration will take place at the high School.

February 15, a workshop on salary negotiation for women will be held at the health Building.

### PUBLIC COMMENT

Public Comment period for citizens who requested to speak to the Board regarding  
Town issues not on the Calendar.

*Up to fifteen minutes for public comment on matters not appearing on this Calendar shall be scheduled each meeting. Persons wishing to speak may sign up in advance beginning on the Friday preceding the meeting or may sign up in person at the meeting. Speakers will be taken up in the order they sign up. Advance registration is available by calling the Selectmen's office at 617-730-2211 or by e-mail at [sorsini@brooklinema.gov](mailto:sorsini@brooklinema.gov). The full Policy on Public Comment is available at <http://www.brooklinema.gov/376/Meeting-Policies>*

Mike Stanley from Transit X spoke about flying pods, a new mass transit system. He feels Brookline is a good fit for this transit system.

### MISCELLANEOUS

Approval of miscellaneous items, licenses, vouchers, and contracts.

Question of approving the joint meeting minutes of January 5, 2017.

On motion it was voted to approve the joint meeting minutes of January 5, 2017.

Question of approving the minutes of January 10, 2017.

On motion it was,

Voted to approve the minutes of January 10, 2017 as amended.

Question of approving the minutes of January 24, 2017.

On motion it was,

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Voted to approve the minutes of January 24, 2017 as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

### GRANT APPLICATION

Question of approving and executing an FY2017 Survey and Planning Grant application to the Massachusetts Historical Commission's Survey and Planning Grant program to conduct the first phase of a multi-phase survey update of cultural and architectural resources in the Greater Aspinwall Hill area of Brookline.

Planning Director Alison Steinfeld stated that this grant if awarded would be used to conduct and update surveys related to Greater Aspinwall Hill.

On motion it was,

Voted to approve and execute an FY2017 Survey and Planning Grant application to the Massachusetts Historical Commission's Survey and Planning Grant program to conduct the first phase of a multi-phase survey update of cultural and architectural resources in the Greater Aspinwall Hill area of Brookline.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

### TEMPORARY WINE AND MALT ALCOHOLIC BEVERAGES LICENSES

Question of granting four (4) Temporary Wine and Malt Alcoholic Beverages (Sales) Licenses as follows:

To Brookline Youth Hockey for a Brookline Youth Hockey Fundraiser to be held on Saturday, February 4, 2017 from 8:00pm-11:00pm at 40 Aspinwall Avenue (Brookline Teen Center).

To Vine Ripe Grill for a Birthday Party to be held on Saturday, February 4, 2017 from 7:00pm-11:00pm at 1281 West Roxbury Parkway.

To Vine Ripe Grill for a Meeting (21<sup>st</sup> Century Fund) to be held on Tuesday, February 7, 2017 from 5:00pm-8:00pm at 1281 West Roxbury Parkway.

To the Chamber of Commerce for a Chamber of Commerce Fundraising Event to be held on Thursday, February 9, 2017 from 5:30pm-8:30pm at 40 Aspinwall Avenue (Brookline Teen Center).

These events have been approved by the Police Department.

On motion it was,

Voted to grant four (4) Temporary Wine and Malt Alcoholic Beverages (Sales)

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Licenses as follows:

To Brookline Youth Hockey for a Brookline Youth Hockey Fundraiser to be held on Saturday, February 4, 2017 from 8:00pm-11:00pm at 40 Aspinwall Avenue (Brookline Teen Center).

To Vine Ripe Grill for a Birthday Party to be held on Saturday, February 4, 2017 from 7:00pm-11:00pm at 1281 West Roxbury Parkway.

To Vine Ripe Grill for a Meeting (21st Century Fund) to be held on Tuesday, February 7, 2017 from 5:00pm-8:00pm at 1281 West Roxbury Parkway.

To the Chamber of Commerce for a Chamber of Commerce Fundraising Event to be held on Thursday, February 9, 2017 from 5:30pm-8:30pm at 40 Aspinwall Avenue (Brookline Teen Center).

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### EXECUTE A LETTER

Question of authorizing the Chairman to execute a letter to Representative Joseph Kennedy III inviting him to speak at a special ceremony honoring three enslaved Brookline soldiers who fought at the Battle of Lexington.

Chairman Wishinsky noted that a special ceremony will be held on Tuesday April 25, 2017 and sponsored by Veteran's Services, the Board of Selectmen, the Office of Diversity, Inclusion and Community Relations, and Hidden Brookline.

On motion it was,

Voted to authorize the Chairman to execute a letter to Representative Joseph Kennedy III inviting him to speak at a special ceremony honoring three enslaved Brookline soldiers who fought at the Battle of Lexington.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

#### CALENDAR

Review and potential vote on Calendar Items

#### SANCTUARY CITY

Discussion of a Statement regarding the Town of Brookline's Status as a Sanctuary Town.

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Chairman Wishinsky stated that he has been troubled by recent events in Washington with the new administration; the firing of the acting Attorney General, and how Washington has issued an executive order relating to immigration issues. This is troubling and Brookline residents are troubled. Brookline has twice voted to be a designated sanctuary city, once in 1995, and again in 2006. Looking at that we are now asking, what does that mean, and how to expand upon it?

This Board has asked the Diversity, Inclusion and Community Relations Commission to review our practice and procedures. The current practice is similar to Boston's.

Chairman Wishinsky offered two draft statements, one he drafted, and one drafted by Selectmen Greene.

Selectmen Greene noted that his approach gets away from the term sanctuary because it is a confusing term that plays into the hands of policies coming from the federal government. There is more focus on the substance, and it is more concerned with our principals of offering a safe haven to strangers including refugees and immigrants. He also noted that executive orders violate treaty laws, and under the 10th amendment cannot command local police departments to do their work. Selectman Greene reviewed some of his recommended language.

Selectman Franco added that is important to reflect that Brookline is a welcoming place for everybody, and that everyone has the opportunity to live, work and raise a family without fear.

The Board noted that the President has mentioned retaliation against sanctuary cities, by withholding federal funds.

Town Administrator Kleckner replied that the Town currently receives approximately \$6.4 million in federal funds. These funds are allocated to the school system, CDBG programs, and other programs.

Selectman Daly expressed concern about losing these important funds that support critical services to the residents. It was noted that some communities are filing lawsuits to address this.

The Board will wait for recommendations from the DICR Commission and make some slight edits to the language before taking a vote.

#### BOARDS AND COMMISSIONS - INTERVIEWS

The following candidates for appointment/reappointment to Boards and Commissions will appear for interview:

Planning Board  
Alan Mountjoy

Alan Mountjoy is a new applicant, and a registered architect working on urban design projects. He has worked with the Planning Board in the past on a Design Advisory Team. He is interested in addressing sustainability, design quality, transit-oriented development,

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affordable housing and open space issues.

Solid Waste Advisory Committee

Deane Cody is a new applicant, and a retired teacher. She has implemented a successful composting program in the Wayland school system, and is interested in promoting styrofoam and soft plastic collections. She supports the pay-as-you-throw program.

Kathleen O'Connell is a Town Meeting member and works at the Heath School as a fourth grade teacher where she also serves as the recycling coordinator. She supports increased recycling in school, composting and a swap shop program where residents can take goods for reuse and repurpose.

BROOKLINE INTERACTIVE GROUP

Kathy Bisbee, Executive Director, Brookline Interactive Group (BIG), appeared to present BIG's Annual Report and a video showcasing highlights of BIG's achievements, programs, and services.

Kathy Bisbee, Executive Director of Brookline Interactive Group provided the Board with a presentation, "Year in Review" 2015-2016. The presentation outlined their many achievements, services, and community involvement.

**BIG's Mission:**

Brookline Interactive Group (BIG) is an integrated media and technology education center and a community media hub for Brookline, MA and the region. BIG facilitates diverse community dialogue, incubates and funds hyperlocal storytelling, arts, journalism, media literacy, and technology projects, including Virtual Reality (VR), and serves over 500 youth annually through innovative classes and partnerships. BIG offers extensive multimedia training, access to high quality equipment, cohort programs and partnerships, and provides low-cost professional media services to non-profit organizations, education partners, businesses, and to local government.

The Board congratulated Ms. Bisbee on BIG's success, and her achievements.

BROOKLINE COMMISSION FOR THE ARTS UPDATE

Amy Emert, Co-Chair of Brookline Commission for the Arts (BCA), appeared to present information regarding the search for a new Brookline Poet Laureate and a summary of the Massachusetts Cultural Council grants approved for Brookline by the BCA.

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Ms. Emert, Co-Chair of Brookline Commission for the Arts announced that applications for Brookline's Poet Laureate are now being considered, the deadline is March 21, 2017. This is a two-year appointment. She thanked the current Poet Laureate, Jan Schreiber for his service in this capacity.

Ms. Emert reviewed the various grants awarded to local artists for art and cultural programs.

Selectman Greene noted that Mr. Schreiber has provided a great service to the Town by promoting poetry and using it as a tool to think beyond the box. His participation in last year's MLK event was inspiring and powerful.

1299 BEACON STREET – 40B ELIGIBILITY

Further discussion and approval of the Board of Selectmen's response to MassHousing's request for comments relative to the revised application for a Project Eligibility Letter to apply for a Comprehensive Permit at 1299 Beacon Street.

Chairman Wishinsky stated that a letter to MassHousing has been drafted in reference to the Project Eligibility Letter (PEL) for 1299 Beacon Street. This letter will incorporate the comments and concerns provided by town officials and residents. Attached to the PEL will be all correspondence received relating to this proposed development and 40b application. Chairman Wishinsky reviewed some key concerns including mass and height, parking, traffic, and safety related issues.

On motion it was,

Voted to authorize Chairman Wishinsky to sign a letter to MassHousing relative to the revised application for a Project Eligibility Letter to apply for a Comprehensive Permit at 1299 Beacon Street, as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

8-10 WALDO STREET – 40B ELIGIBILITY  
PUBLIC HEARING

Public Hearing on the application of The Coolidge Residences at Brookline, LLC to MassDevelopment to secure a determination of eligibility to apply for a Comprehensive Permit at 8-10 Waldo Street.

Chairman Wishinsky stated that the town is under deluge of 40b applications, which allow a developer to propose and build a project greater than the normal zoning laws would allow if 20%-25% of the units are pledged affordable housing by state subscribed levels and until 10% of our town's housing inventory is deemed affordable. Brookline is approaching that

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10% mark where the town can refuse a 40b proposal if it is not in compliance with our zoning bylaws. The door is closing very quickly, and the applications are trying to get in before it does. This is the 10th 40b proposal. Tonight begins the process when a developer applies to a state subsidizing agency for funding. That agency sends us back a letter on the application, asking as a town what do you think about it. We have been asking the public to weigh in and send that input along to the state. If this step is approved the developer then applies for a comprehensive permit through the zoning board of appeals. (ZBA) This developer has already told us he is willing to engage with the town on an alternate project; we have convened a committee to begin to work with the developer. At this point we need to assume for the purpose of this hearing is that a 40b is in process, and that an application has been submitted.

Marc Levin, representing the applicant Chestnut Hill Realty (CHR) began his presentation stating that this site consists of two underutilized buildings, and they are proposing a project to reflect what they do well. They will be filing a comprehensive permit application and have been working with the town's economic development group, in anticipation of postponing the 40b process in hopes of coming to an agreement. CHR was established by Ed Zuker, and has 10 apartment communities in Brookline.

Mr. Levin made a PowerPoint presentation.

The development will consist of 320 market rate and affordable apartment, of which 64 will be affordable. The building will have 21 stories and include amenities space, a roof deck, and pool. There will be 333 parking spaces consisting of 3 levels, 2 below grade, and one at grade level.

The affordable units consist of studio, 1, 2 and 3 bedrooms with rents ranging from \$809.00 to 1,291.00. The market rate units will consist of studio, 1, 2, 3 and 4 bedroom units with rental rates of \$2,500- \$13,000 per month.

Selectman Greene noted that these rental rates will jack up rental rates within the community, which will affect integration and diversity. It also will make it very exclusionary. This does not reflect a goal of affordable housing.

The presentation indicated that this development will create high quality affordable housing near public transit, while improving the streetscape.

The presentation included the design, landscape and height comparison to nearby buildings, and vehicle and pedestrian access.

Chairman Wishinsky noted that this development would be more appropriate in the Financial or Seaport Districts than Coolidge Corner. It was noted that the height would be deemed too high there as well. He also addressed "the glass skin against the sky" and asked if it is trying to look like the Hancock Building in downtown Boston.

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Selectman Franco added that it looks more like a Winn Casino and hopes this is not the definitive architectural design. He also noted the other buildings include setbacks from the street, there is no setback shown here, and hopes that could change.

Mr. Levin stated that they went through the 40b process in South Brookline and made major modifications to their program. There was cooperative back and forth with the Planning Department and zba, and the project evolved. He added that they are flexible to the idea of setting the property back; however they would want a streetscape along the street.

Selectman Heller agreed with Selectman Greene about the rental rates. She stated that this kind of housing really defeats the efforts to integrate this community and bring middle class housing to Brookline; the middle class are suffering, and Mass Development should not be supporting projects with a few affordable units and then gauge the market rates one to the max.

Public hearing.

Richard Strock, John Street noted the market rate studio unit at 480 square feet for \$2,500 a month. This rate does not come close to current rents in Brookline. He would welcome revitalization in this area and welcome affordable housing, but the scale is a real concern. A 21 story building at this location really misses the mark, and would obliterate the skyline for us as a neighborhood. He also noted traffic implications with the additional 800-1,000 people.

Karen, Babcock St. spoke about residents being forced out due to the many 40b developments, and hopes some responsibilities will include those residents already here in the community. She does not support the affordable housing lottery.

Frank Caro, Beacon St. and TMM#10 agreed that redevelopment is appropriate for site, but is shocked by the proposed scale and size presented. He addressed traffic issues which are already a significant traffic problem.

Muriel Haber, John St. spoke about the condition of the property which now has indigent people hanging out, but this tall building will cut off all our light. This does not belong in our area, and will be a detriment to the electricity and water supply and bring in more garbage and people to this small area.

Ralph Tracey, Green St. spoke about parking issues, which are already a challenge and this project will make it a lot worse.

Jonathon Winickoff, Stetson St. spoke about pedestrian, public transit and safety concerns. There are many pedestrians, bicyclist, and children in this area, and the extra traffic is a concern. He also noted the loss of green space and the already overcrowded Devotion School and it is not fair to have one area of town absorb all this development; it should be

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spread out equally.

Cheng-Zhong Zhong, John St. spoke about the mass and height noting that there is no building this high in the Longwood Medical Area. He talked about environmental concerns with a project of this size, he hopes the process will proceed with caution and not rush into anything.

Diana Spiegel, Stetson St. TMM#2 said she supports affordable housing, but this development is dramatically out of scale with the neighborhood, and will create traffic and safety concerns. She noted the historical significance of the Durgin Garage, and how in 2012 it was declared an endangered historic resource.

Martin Yaseen, John St. spoke about the origins of 40b to address exclusionist policies in suburbs surrounding Boston to keep people of color and poor people out. This community is a multi-cultured community, and this project uses 40b as a bludgeon in one of the densest communities in the Boston area. He spoke about wind and shadow effects and opposed the development.

Michael Foster, James St. spoke about traffic configurations and congestion. He also addressed the garage use as a body shop and expressed environmental concerns and hopes that soil studies will be taken underground.

Sarah Williamson, John St. spoke about lack of lighting from the 21 stories, and added that the site is a mess now, but she would rather deal with it than what is being proposed.

Marlene Steiner, John St. spoke about the current site and hopes to see something different there, adding that the owner could do something positive in the community; he has the resources to do so, and give back to this community.

Joel Steiner, John St. spoke about when the owner bought the property many years ago and stipulated that part of that deal would be to have parking off of John St. forever. He added that there has been a lot of work at the site to remove the gas tanks, and the owner did do a nice job on his property in Kenmore Square. Also, safety is a concern with the amount of children that use the street to go to the library and parks.

Richard Wynne, Browne St. spoke about the St. Aiden's project which started out as an abusive project for the neighborhood and eventually resulted in a better development after legal action from the community. It is frustrating that a development must start out as abusive to begin the dialog. He noted traffic, pedestrian and children safety issues, and requested that any traffic studies be done after the Devotion School is reopened to get an accurate description of the traffic patterns.

Susie Roberts, Green St, TMM#2 and Coolidge Corner Study Committee (CCS) member, said after this presentation she and everyone else were speechless. She referenced that this developer went through a process with the Hancock Village 40b which ended up as a well

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thought-out project, and she can't understand that the same developer would expect the Town to entertain a project like this one that feels like a bludgeoning use of 40b in an abusive way. She spoke of traffic, shadow, wind, and parking concerns that are very serious. This proposal feels like Mt. Rainier looming over our town. She looks forward to participating in the CCS committee and hopes that the Board requests that MassDevelopment denies this project.

Lauren Bernard, John St. TMM# and Coolidge Corner Study Committee member spoke about the lack of open and green space. She noted that the developer told her and her neighbors that there will be a setback so they will not lose any light, she can't see that happening with the scope and size of this project. She supports denying this project.

Kristin Bridier, Green St. spoke about the possibility of incorporating the façade of this historic garage which is the fabric of this neighborhood. She also noted that the Pierce Building and the Coolidge Theatre are signature buildings and are not close to 21 stories high, and are incorporated into the 1-2 level retail buildings in the neighborhood.

Caroline Staff, Stedman St. said she appreciates the affordable units being offered at the 50% median income rate and higher parking ratio, which is still too many for Coolidge Corner and there needs to be a realistic look at the parking ratios. She also spoke about open space and shadow concerns and asked if the affordable units will be in perpetuity.

Steve Swartz, representing CHR replied that they fully anticipate a deed restriction on the affordable units.

Kristin Jhalani, John St. spoke about the dangerous traffic issues among Beacon Street, and the already overwhelmed public transit system. She feels that the intent of the 40b law is being undermined, and added that there is no longer middle class housing in Brookline, only luxury housing. These proposed rents will increase the cost of living for rental and homeownership for everybody in the area. It is exasperating that this project incorporates 40b into a luxury development.

A Beacon St. resident spoke about the hardship this project will have on the neighborhood as presented today. He agreed with the other comments about the high rents forcing people to be priced out of Brookline.

Jane Piercy, Still St. and TMM#2 spoke about the potential wind implications with a building this high, garage logistics, traffic and the impact on walkability in the neighborhood.

Ana Vera Macedo Wynne, Browne ST. and TMM#2 spoke about the traffic study and hopes that it will be done during the school year and not during the summer, like it was with the St. Aiden's project. She added that they neighborhood will fight this project like they did with St. Aiden's to get a reasonable project, at least half the size presented here. This project is too large and unsafe for pedestrians.

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Harriet Rosenstein, Centre St. and TMM#9 said this neighborhood needs a sanctuary, because it is so deeply under attack by greedy developers. AS a town we need to devise methods to keep ourselves safe, we are going under water here.

Selectman Daly added that the massing is crazy and being on a crest of a hill only adds to the height issues. She noted the concerns on walkability, traffic, rental rates and congestion. She said that it is not fair that this proposal will have such a negative impact on everyone else trying to live in the neighborhood, and is contrary to the intended spirit of the 40b law. She agrees that this project should be denied by the State agency.

Chairman Wishinsky summarized the public comments that will be incorporated in the letter to MassDevelopment, and hopes it is considered a nonstarter as proposed. The scale and massing would make it by far the tallest building in Brookline. The community recognizes that the site is desirable for redevelopment and noted that there is no need to be so big to be a signature building. He hopes for an appropriate development with the right scale for the neighborhood.

Selectman Greene noted that it may not be relevant for this consideration of the PEL letter; however it is important to note the high rental rates will have an effect on the market here and keep many people out of this housing market. He hopes that legislatures will take note that 40b law is not being used as originally intended, and in many cases making the community unaffordable as a whole.

Selectman Franco addressed deliveries, trash, and soil evaluations which are important considerations as well as everything else noted tonight.

### FY2018 BUDGET OBJECTIVES

Question of approving the Selectmen's FY2018 Budget Objectives.

Assistant Town Administrator Austin Faison reviewed the revised budget objectives.

The Board offered some revisions which Mr. Faison will incorporate into the list.

On motion it was,

Voted to approve the Selectmen's FY2018 Budget Objectives as amended.

Aye: Neil Wishinsky, Nancy Daly, Benjamin J. Franco, Nancy Heller, Bernard Greene

There being no further business the Chair adjourned the meeting at 10:25 P.M.

ATTEST



**OFFICE OF THE TOWN ADMINISTRATOR  
MEMORANDUM**

**TO:** Board of Selectmen  
**FROM:** Melvin A. Kleckner, Town Administrator  
**RE:** Appointment of Interim Health Director  
**DATE:** February 7, 2017

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With the retirement of Dr. Alan Balsam as Director of Public Health, we have been engaged in an intensive recruitment process to fill this important position. I have convened a screening panel and we have identified a series of candidates that are currently being evaluated. However, since this process will take a few more weeks to conclude, I recommend that the Board appoint Pat Maloney, currently the department's Director of Environmental Health, to be appointed the Health Director on an interim basis. As you may know, Mr. Maloney is a long-time employee of the Health Department and has worked closely with Dr. Balsam on all matters of the department. It is especially critical at this time of the year that a department manager be in a position of authority to represent the department.

Accordingly, I recommend that the Board appoint Pat Maloney as Acting Director of Health effective immediately, to expire upon the appointment of a permanent director.

Thank you for your consideration.

cc: Sandra DeBow, Human Resources Director





**Town of Brookline**  
*Massachusetts*

Authorization To Hire Request Form

1. Position **TITLE:** Assistant Recreation Director Grade: T-10

2. Department: Recreation Division: Recreation

3. Position Control #: 630000002 Prior Incumbent: Melissa Battite

a. Reason for Leaving: Accepted director position in Lexington MA

4. Budgetary Information:

Department Code: 63006309 Budget Code: 510101 % 100

Grant Funded-Name of Grant: \_\_\_\_\_  Revolving Fund  Enterprise Fund

6. Employment Type:

Full-Time: # of hours/week: 40  Part-Time: # of hours/week: \_\_\_\_\_

Permanent  Temporary: expected end date (required) \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

7. Method of Fill:

Promotion – To be Posted Internally from: \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_ to \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

New Hire  Transfer – Please explain: \_\_\_\_\_

8. List the top three essential functions of this position:

1. Acts as the daily operations manager of all 6 divisions of Recreation Department

2. Is the direct report for program division FTE and Rec Therapy

3. Creates, maintains and monitors partnerships (Internal and external), grants and initiatives

9. I have considered the following alternatives to filling this position:

None. It is a crucial position for the Recreation Department to fill with the size of the department and to continue the current level of service delivery to the community.

10. The alternatives are less desirable than new hire action for the following reasons:-continued on reverse side-

\_\_\_\_\_  
\_\_\_\_\_

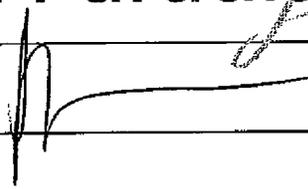
Authorization To Hire Request Form

11. Suggested sources for specialized recruitment advertising: (other than local papers)

NRPA, MRPA, Athletic Business Human Resources will work closely with us to post the post widely, with Pro Diversity Network Zip Recruiters, Indeed, which all have targeted affinity job boards as well as related professional groups.

12. Please attach the current position description.

13. Signatures:

<b>Lisa Paradis</b>		Digitally signed by Lisa Paradis DN: cn=Lisa Paradis, o=Recreation, ou=Town of Brookline, email=paradis@brooklinema.gov, c=US Date: 2017.01.10 13:52:33 -05'00'
Department Head Signature: _____		Date: <u>1/25/17</u>
Human Resources Director: _____		Date: _____
Town Administrator: _____		Date: _____

14. Approvals:

Date on BOS Agenda: _____	Date Approved: _____
---------------------------	----------------------

15. Notes:

ASSISTANT DIRECTOR - RECREATION

Grade T-10

**Position Purpose:**

The purpose of this position is to supervise, assign, review, and participate in the work of staff responsible for providing recreation programs and services; oversees and participates in all work activities; participates in short- and long-range planning, performs a variety of technical/manual tasks relative to assigned area of responsibility; performs all other work as required.

**Supervision:**

*Supervision Scope:* Performs duties under defined latitude for independent judgment and initiative within established guidelines and policies. Responsible for the day-to-day supervision of assigned employees, making the most effective and efficient use of skills, facilities, and equipment available. Most duties are of a diverse nature requiring the ability to problem solve.

*Supervision Received:* Works under the general direction of the Director of Recreation.

*Supervision Given:* Exercises direct supervision over area managers, professional, technical, maintenance, and clerical staff; full-time, part-time, interns and seasonal. Hires, trains, coaches, mentors, evaluates, disciplines, and recommends termination.

**Job Environment:**

Work is performed indoors in an office setting and outdoors with exposure to various weather conditions. Some exposure to chemicals at swimming pool facilities. Responds to emergencies outside the regular work day.

Operates automobile/light trucks, computer, telephone, camera, and recreation equipment.

Interacts daily with the general public; contacts are in person, by e-mail and by telephone and involve discussing routine and semi-complex information; contacts with the public require considerable patience and courtesy. Other contacts include schools, various town departments, boards and commissions, and vendors.

Has access to department level confidential information that requires the application of appropriate judgment, discretion and professionalism.

Errors could result in adverse public relations, mismanagement of funds and personnel, reduced level of services, and jeopardize municipal programs.

**Essential Functions:**

*(The essential functions or duties listed below are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.)*

Town of Brookline, MA  
Assistant Director, Recreation Department

Plans, prioritizes, assigns, supervises and reviews the work of staff responsible for providing recreation programs for youth, adults, and senior citizens including classes, sporting events, field trips, social gatherings, and special events.

Initiates, directs, coordinates and supervises a variety of recreational programs and activities. Plans, schedules and reviews the work and performance of others in a manner conducive to proficient performance and high morale.

Recommends and assists in the implementation of goals and objectives; implements approved policies and procedures. Assists Director in long-range planning and establishing priorities for the programs, facilities and projects of the Department

Establishes schedules and methods for providing recreation programs; identifies resource needs; reviews needs with appropriate management staff; allocates resources accordingly.

Participates in the selection of recreation or athletic program staff; provides or coordinates staff training; works with employees to correct deficiencies; implements discipline procedures.

Assists in the development of Recreation budget; monitors revenues and expenditures to align with business plan set forth by the Director.

Prepares analytical and statistical reports on operations and activities.

Coordinates various recreation or athletic programs; develops event schedules and supply appropriate staffing levels; attends scheduled events and assesses program fulfillment of community needs.

Advises, instructs, and assists employees, individuals and groups in creating social and recreational programs.

Assists in forecasting financial priorities for programs and facilities, records and prepares evaluation reports on new or ongoing programs; documents the number of registrations and fees collected; maintains and files accident reports; prepares statistical reports as required.

Develops, promotes and participates in internal and professional group meetings; stays abreast of new trends and innovations in the field of recreation. Participates in, assists with and, in the absence of the Director directs the Recreation Department's staff, programs, events, and functions.

Promotes and fosters an atmosphere of teamwork and effective communication to ensure the delivery of excellent customer services.

*Town of Brookline, MA  
Assistant Director, Recreation Department*

Coordinates marketing and publicity of program events with those of other departments, outside agencies and organizations; prepares and presents brochures, newsletters, press releases and related public relations material.

Coordinate staff and schedule department transportation needs for overall program delivery including every department program and/or facility.

Performs similar or related work as required, directed or as situation dictates.

**Recommended Minimum Qualifications:**

Education, Training and Experience:

Bachelor's degree in Recreation, Leisure Service and/or Management, and five years of related recreation experience including experience in management, supervision, planning, budget and computers; or any other equivalent combination of education, training, and experience.

Special Requirements:

Certified Park and Recreation Professional  
Certified Pool Operator  
Class D motor vehicle operator's license

Knowledge, Ability and Skill:

*Knowledge:* Working knowledge of the principles and practices of recreation management. Knowledge and understanding of municipal government. Knowledge and understanding of an enterprise, revolving and general fund budget. Knowledge of the principles of supervision, training and performance evaluation. Knowledge of pertinent federal, state, and local laws, codes and regulations.

*Ability:* Ability to work well with the public and diverse population. Ability to remain calm and fair in all situations. Ability to handle multiple tasks. Ability to interpret and explain municipal policies and procedures related to parks and recreation programs. Ability to operate and use modern office equipment and information technologies. Ability to write clearly and concisely a variety of documents, including correspondence, reports, proposals, and other persuasive and informative materials. Ability to effectively resolve conflicts and maintain harmonious working relationships throughout the organization and with other agencies and departments. Ability to take initiative and apply considerable ingenuity and practical knowledge to interpret and resolve new, unusual, or particularly troublesome situations. Flexibility and adaptability to be available for emergencies and unanticipated circumstances.

*Skill:* Skill in all the above listed technologies, tools, and equipment. Excellent organizational skills. Excellent writing and communication skills, Strong interpersonal skills to effectively interact, supervise, direct and develop employees and to effectively work with other Town and

*Town of Brookline, MA  
Assistant Director, Recreation Department*

outside agencies and the general public. Consensus/team building skills. Excellent supervisory skills.

Physical Requirements:

*The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.* Light physical effort is generally required for work performed in an office setting. Moderate to strenuous effort is required in the field; may be required to occasionally lift up to 30 pounds. Physical requirements may include walking, standing or sitting for extended periods of time, and operating assigned equipment. Maintains effective audio-visual ability and perception needed for making observations, communicating with others, reading and writing. Ability to drive an automobile.

*(This job description does not constitute an employment agreement between the employer and employee. It is used as a guide for personnel actions and is subject to change by the employer as the needs of the employer and requirements of the job change.)*

**Stephanie Orsini**

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**From:** Jennifer Gilbert <JGilbert@boballenlaw.com>  
**Sent:** Tuesday, January 31, 2017 9:33 AM  
**To:** Melvin Kleckner; Neil Wishinsky  
**Cc:** Tom Brady; Stephanie Orsini; aschectman@jche.org; zweinrobe@jche.org; joe.geller@stantec.com; Joslin Murphy; Polly Selkoe; Karen Martin  
**Subject:** JCHE 40B - 370-384 Harvard Street  
**Attachments:** JCHE 370-384 Harvard Street - TREES and Green space Site Plan and Renderings.pdf; Fwd: Opposed to cutting down tree at 12 Williams Street; Tree Warden Letter JCHE 01 09 2017.pdf

**Importance:** High

Good Morning,

In connection with JCHE's proposed 40B project there is one public shade tree on Williams Street that the applicant is requesting to remove in order to move the driveway onto Williams Street as requested by the abutters at the rear of the building. JCHE has agreed to replace the 1 tree with 6 trees (3 on-site and 3 for the Town to plant in the neighborhood). JCHE will also provide structured soil for all the street trees (promoting better health and growth) and will install and maintain 4 green rain gardens and benches on Williams Street. In addition, there is a pocket park planned for Harvard Street. The rendering is attached.

Although, JCHE included the tree removal permit in its list of waivers as part of the 40B application before the ZBA, Town Counsel opined that this permit was a state permit per MGL Chapter 87. In accordance with Town Counsel's opinion, on January 9<sup>th</sup>, JCHE sent a letter to Mr. Brady requesting that he publish notice and hold the required hearing. Mr. Brady advertised the hearing and posted the required notice. He scheduled the hearing for January 24<sup>th</sup>.

On Tuesday, January 24<sup>th</sup>, I along with the JCHE team appeared before the Town Tree Warden, Tom Brady, requesting permission to remove the tree. Members of the Town's Tree Planting Commission also attended the hearing. No one appeared in opposition and members of the Tree Planting Commission had no objection to the plan. In fact, Hugh Mattison, a staunch tree advocate and member of the Tree Planting Committee stated he supported the plan as noted above. Nevertheless, there were 2 people who, prior to the hearing, opposed the removal of the tree via email to Mr. Brady. However, neither party appeared at the hearing, and so they were unaware of the applicant's plan to replace the one tree with six and make the additional improvements noted above. One opponent (Jacob Meunier) did retract his email opposition once he was made aware of the plan to replace the one tree with 6. The other person, James Francis has not, as of today retracted his email (copy attached). Therefore, in accordance with the Town's opinion that MGL Chapter 87 applies to this project, it is now the Selectmen that must decide whether to issue the permit to remove the tree.

The JCHE team and Mr. Brady are available on February 7<sup>th</sup> and we hope that the Board of Selectmen can fit this item on its agenda next week.

Please note that although Chapter 87 is a State law, it is my opinion that the tree removal permit is a local permit (not a State permit) issued by the local tree warden, or in the case of a written objection, the local Board of Selectmen, and therefore, the tree removal permit may be considered by the ZBA as part of the comprehensive permit application. Chapter 40B practitioners seem to be split on this issue. Nevertheless, JCHE will proceed in accordance with the Town's directive, but of course on behalf of JCHE I must reserve all its rights of appeal if necessary.

Thank you for your consideration. Please let me know if the 7<sup>th</sup> works on your end.

*Jennifer Dopazo Gilbert, Esq.*

*Partner*

Law Office of Robert L. Allen, Jr. LLP

300 Washington Street

Brookline, MA 02445

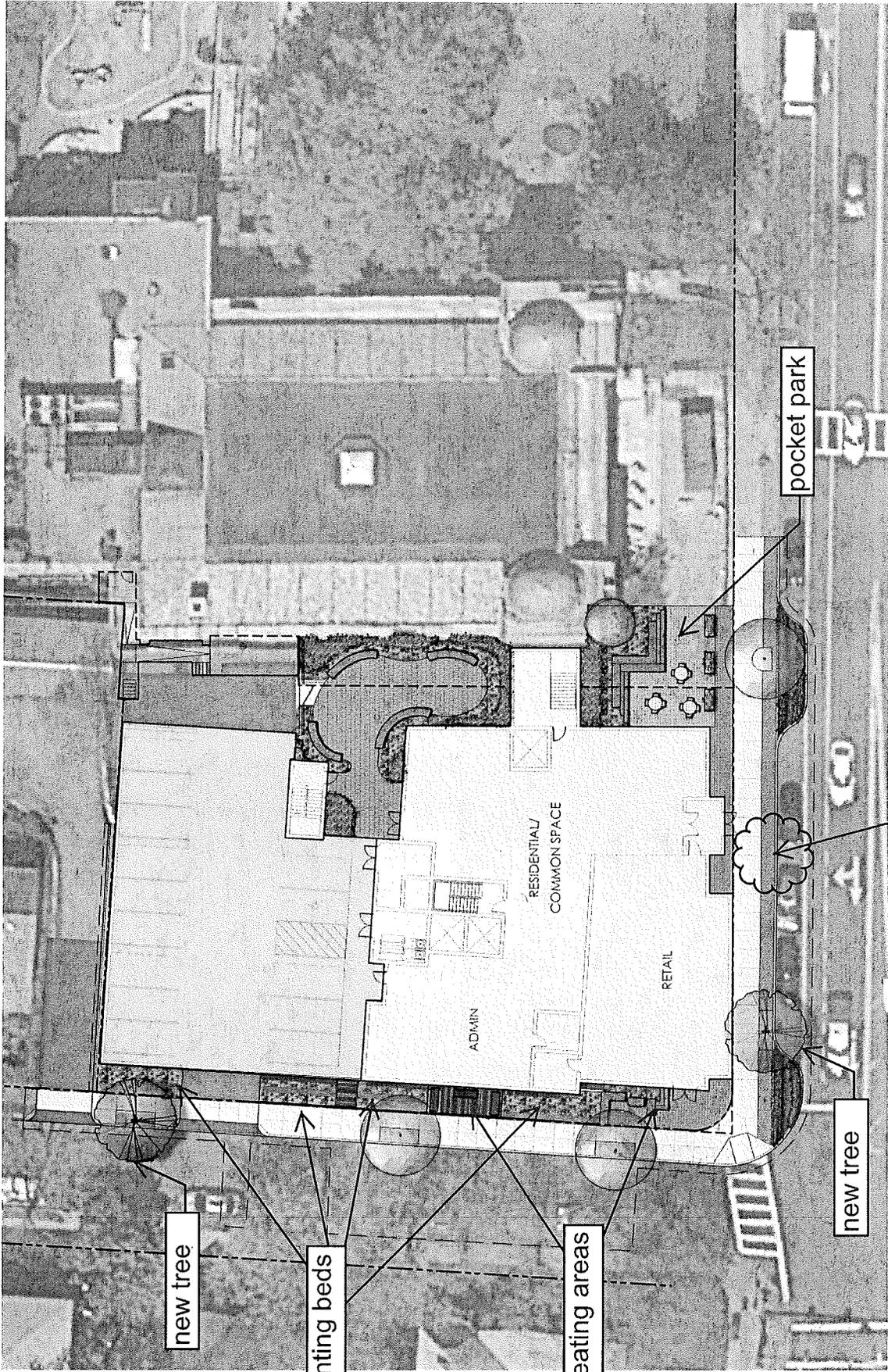
Ph: 617.383.6000 | Fax: 617.383.6001

Email: [jgilbert@boballenlaw.com](mailto:jgilbert@boballenlaw.com)

[www.boballenlaw.com](http://www.boballenlaw.com)



\*\*\*\* This email and any attachment(s) are confidential/privileged, for use of the intended recipient(s) only. If not an intended recipient, please do not read; contact sender and delete all copies. \*\*\*\*



new tree

planting beds

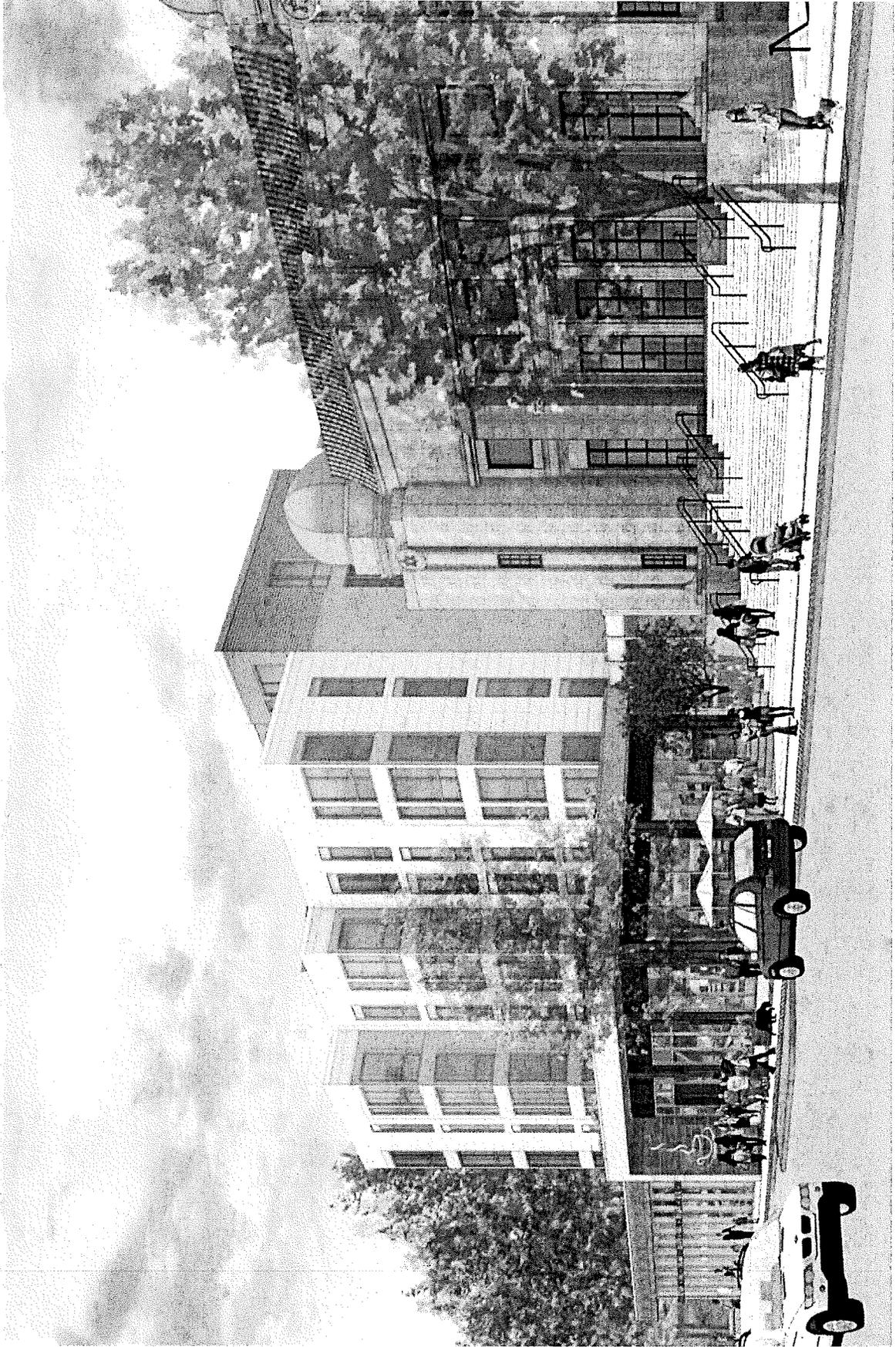
seating areas

pocket park

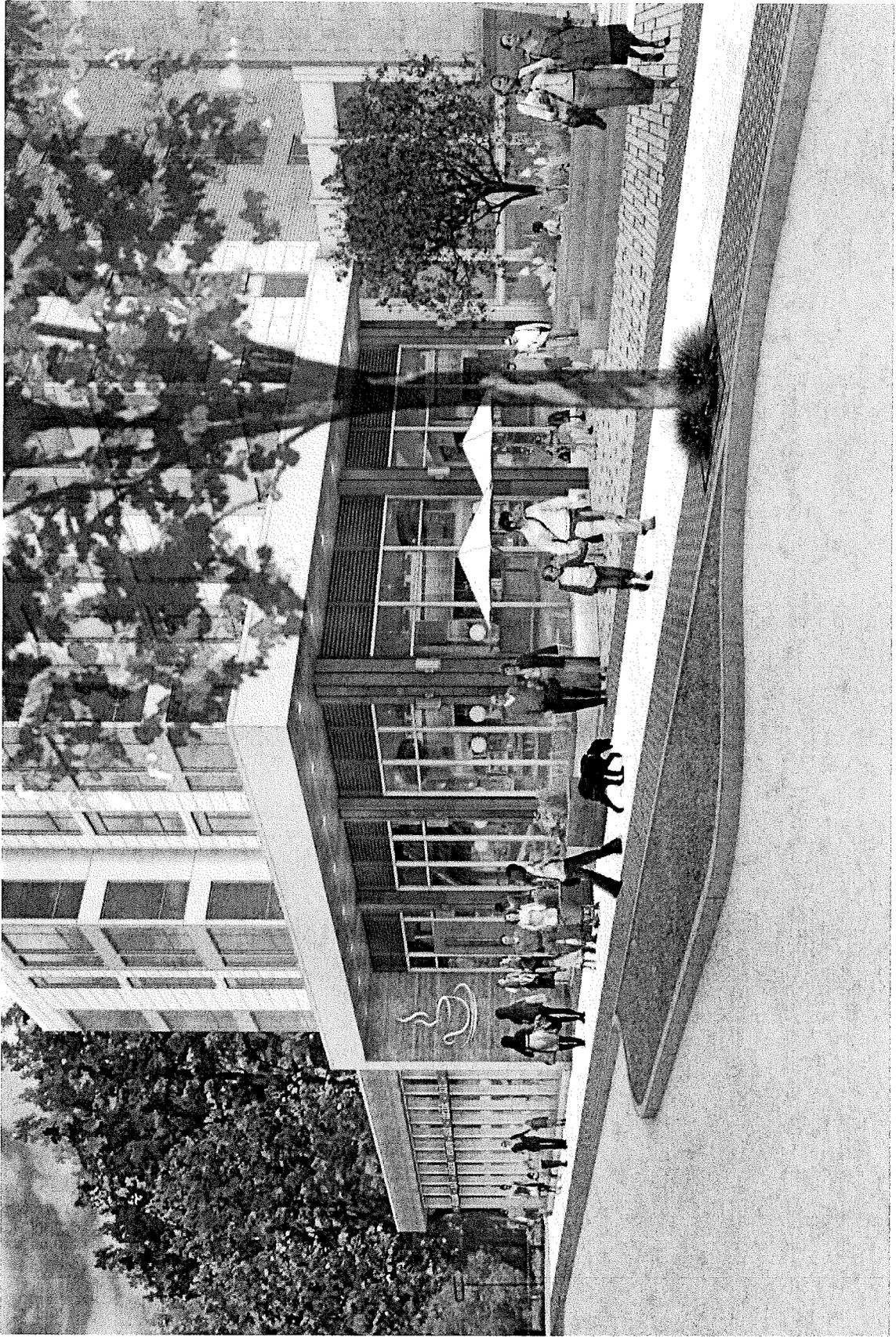
new tree

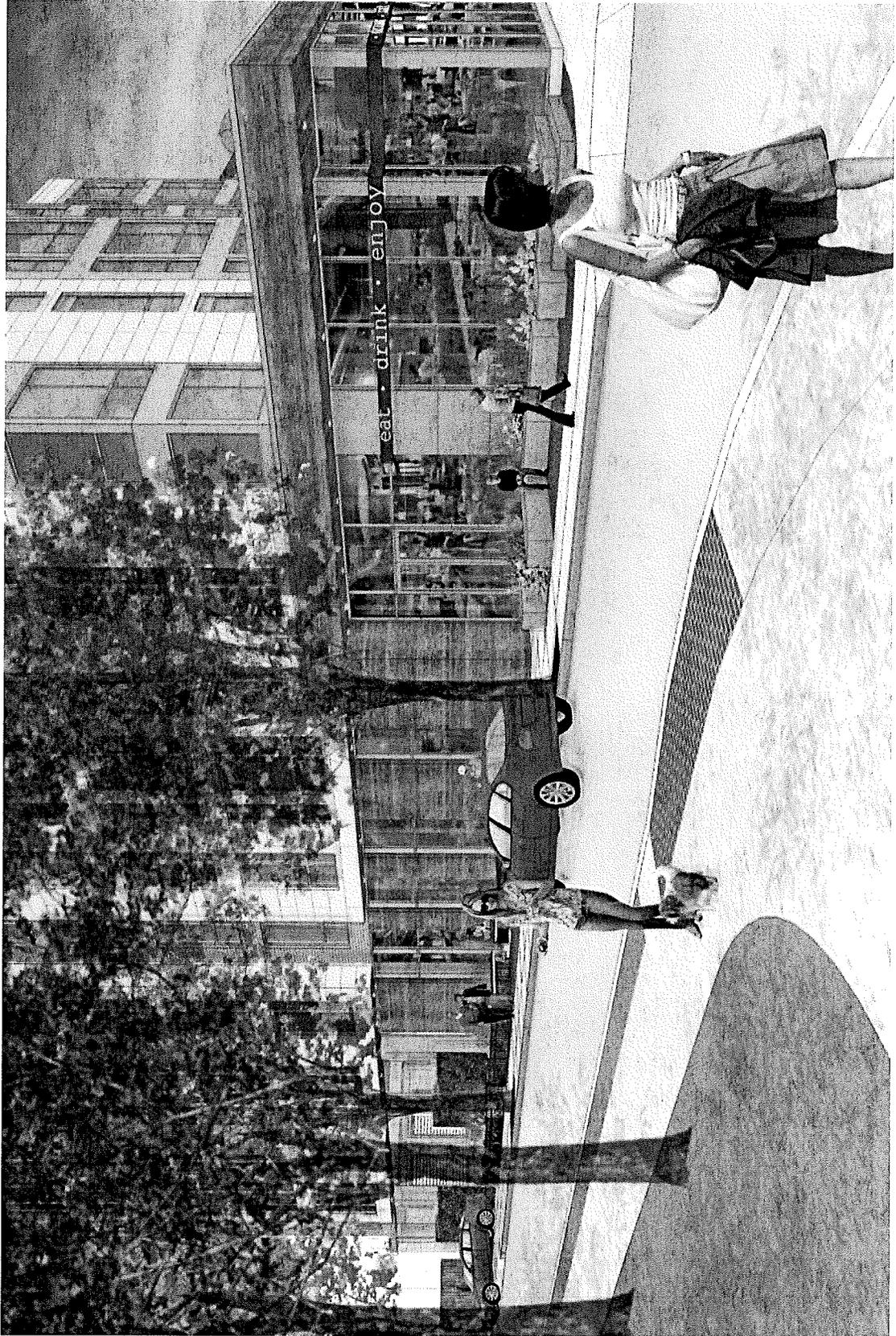
additional new tree

**JCHE**  
JEWISH COMMUNITY  
HOUSING FOR THE ELDERLY

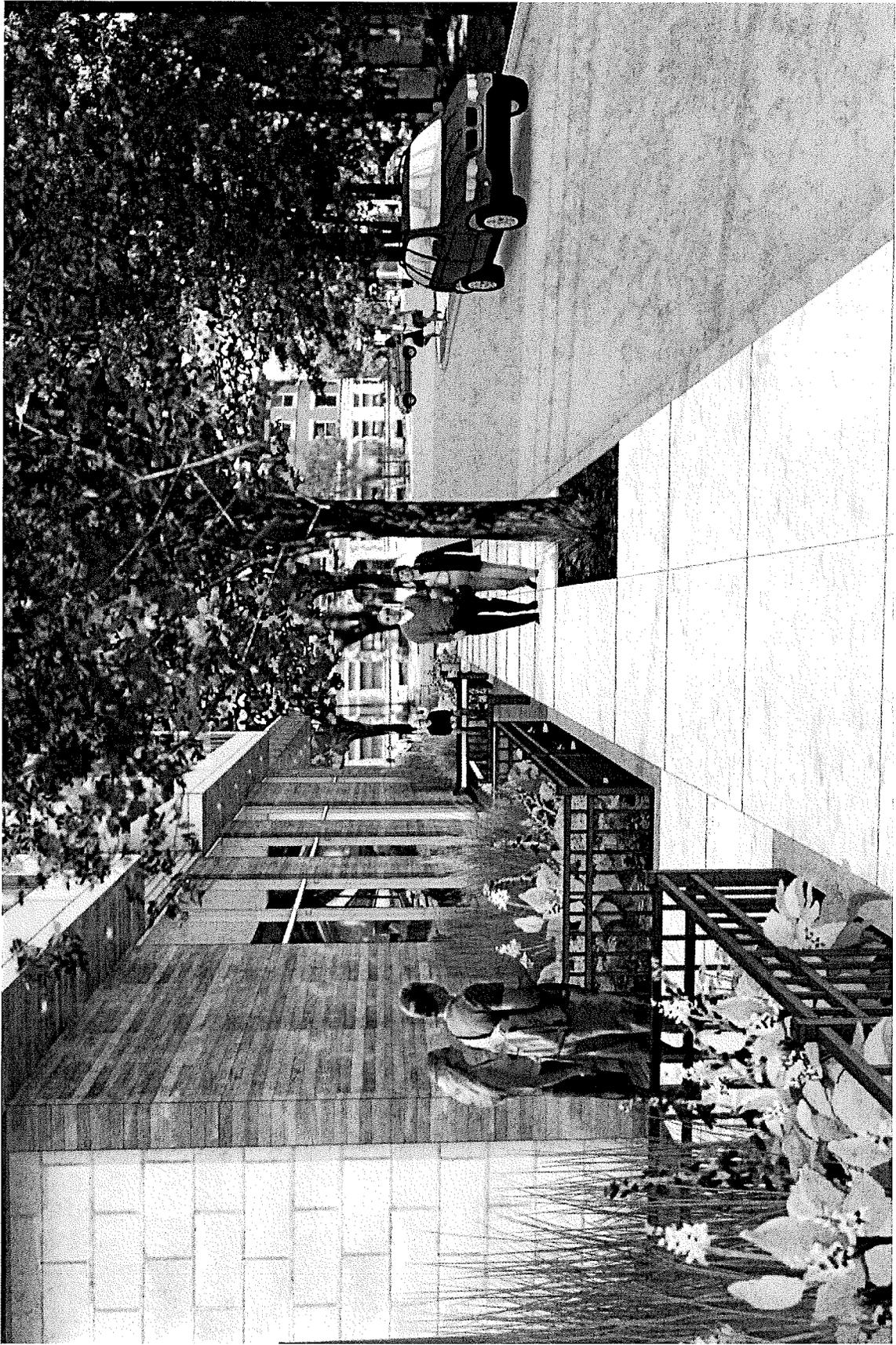


JCHE  
JEWISH COMMUNITY  
HOUSING FOR THE ELDERLY





**JCHE**  
JEWISH COMMUNITY  
HOUSING FOR THE ELDERLY



**Stephanie Orsini**

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**From:** Tom Brady <tbrady@brooklinema.gov>  
**Sent:** Tuesday, January 24, 2017 8:47 AM  
**To:** Jennifer Gilbert  
**Subject:** Fwd: Opposed to cutting down tree at 12 Williams Street

Sent from my Sprint Samsung Galaxy S7.

----- Original message -----

**From:** J Francis <jamesgraemefrancis@gmail.com>  
**Date:** 1/23/17 9:15 PM (GMT-05:00)  
**To:** Tom Brady <tbrady@brooklinema.gov>, J Francis <jamesgraemefrancis@gmail.com>  
**Subject:** Opposed to cutting down tree at 12 Williams Street

Dear Mr. Brady,

I live at 40 Williams Street and have lived on Williams Street for seven years. I was informed by a neighbor that unless I can attend the hearing tomorrow night I needed to submit my comments about the proposed cutting down of this tree to you by e-mail before the hearing.

My wife and two children appreciate Brookline for its history and beauty, especially the fact that everyone who visits here comments on: "It's so close to the city; I didn't expect it to be so green!" My children ride their bikes and scooters on this street, and my family walks everywhere because we value walking and because Brookline is a place where it is pleasant to walk. Cutting down large trees in nice neighborhoods is not only bad for the environment, but also bad for community atmosphere.

I hope the city will reconsider and devote its resources to preserving Brookline's natural beauty, rather than cutting down beautiful old trees like this one.

Sincerely,  
James Francis  
40 Williams Street, Apt. 207  
Brookline, MA 02446

The substance of this message, including any attachments, may be confidential, legally privileged and/or exempt from disclosure pursuant to Massachusetts law. It is intended solely for the addressee. If you received this in error, please contact the sender and delete the material from any computer.



300 WASHINGTON ST.  
 BROOKLINE, MA 02445  
 P. (617) 383-6000  
 F. (617) 383-6001

January 9, 2017

Via Electronic Mail & IN HAND

Tom Brady, Tree Warden  
 Department of Public Works  
 333 Washington Street, 4<sup>th</sup> Floor  
 Brookline, MA 02445

RE: Request to Remove One Public Shade Tree  
 Project: Jewish Community Housing for the Elderly ("JCHE")  
 Applicant for M.G.L. Chapter 40B Comprehensive Permit  
 370-384 Harvard Street

Dear Mr. Brady:

As you know JCHE is the applicant for a Comprehensive Permit pursuant to M.G.L. c.40B to build affordable senior housing at 370-384 Harvard Street. The Zoning Board of Appeals has opened the hearing and the second night of hearings is scheduled for January 18, 2016. As part of its application JCHE seeks to remove one public shade tree on Williams Street. The tree has been identified as the 3<sup>rd</sup> tree on the right, as you travel Southwest on Williams Street away from Harvard Street. It is my understanding that the Town's position is that the permit required to remove (and replace) this tree requires the applicant to go through a separate hearing process before you as the tree warden as set forth in M.G.L. c. 87. Therefore, on behalf of JCHE I am requesting that you advertise and hold the hearing as required by Chapter 87 at your earliest convenience. The Town has tentatively committed \$2.5M of Housing Trust money to support this important project and JCHE is on a tight schedule to get the project approvals in order to secure additional state funding.

As we discussed, I raised a question regarding the fact that although Chapter 87 is a state law, the permit issued by the local tree warden or in the case of an appeal or opposition, the Board of Selectmen, is actually a local permit which should be part of the comprehensive permit provisions provided in M.G.L. c. 40B. Therefore, JCHE must reserve all of its right to seek further relief if necessary.

Please let me know when you schedule the hearing. Thank you for your time.

Very truly yours,

A handwritten signature in black ink, appearing to be 'JD Gilbert', written over the typed name below.

Jennifer Dopazo Gilbert

cc: JCHE

NEW ENGLAND TREATMENT ACCESS, INC.

**REGISTERED MARIJUANA DISPENSARY (RMD) LICENSE CONDITIONS**

(as voted by the Board of Selectmen ~~December 22, 2015~~ February 7, 2017)

Compliance with Law/Certificate of Registration/Changes in Membership and Appointments

1. The licensee shall comply with applicable State and local laws, regulations, by-laws and codes, including, but not limited to, 105 CMR 725, the Town of Brookline's Registered Marijuana Dispensary (RMD) Regulations, the Town of Brookline's By-Laws, the Town of Brookline's Zoning By-Laws, all applicable building, fire prevention, health and sanitary codes, and any conditions imposed on licenses and permits held by the licensee, including, but not limited to, the DPH Certificate of Registration, the Town RMD license and the Town's Zoning Board of Appeals special permit.
2. The licensee shall maintain a valid, current RMD Certificate of Registration in good standing from the Massachusetts Department of Public Health (DPH). Any revocation or suspension of the RMD's DPH registration shall result in an automatic suspension of the Town's RMD license pending hearing or the opportunity therefore afforded to the licensee and pending further determination by the Board.
3. A licensee must obtain Board approval for a change in or addition of a Member, Director, Officer, Manager, and Alternate Manager, who shall be qualified according to the criteria set forth in Section 3 of the Town's RMD Regulations. Along with its request for approval, the licensee shall submit a duly-executed CORI Acknowledgment Form and certification that it has supplied to the person signing the CORI Acknowledgement Form a hard or electronic copy of the Town's "CORI Policy: Licensing" and has given that person the opportunity to review it prior to executing the Form.
- ~~3.4.~~ A licensee must obtain approval from the Chief of Police or designee for a change in the executive(s) or manager(s) responsible for security at the licensed premises (including for formulating and/or implementing security measures, plans and policies pertaining to the licensee's operations, physical facility or transportation to or from the site), who shall be qualified according to the criteria set forth in Section 3 of the Town's RMD Regulations. Along with its request for approval to the Chief of Police or designee, the licensee shall submit a duly-executed CORI Acknowledgment Form and certification that it has supplied to the person signing the CORI Acknowledgement Form a hard or electronic copy of the Town's "CORI Policy: Licensing" and has given that person the opportunity to review it prior to executing the Form.
- 4.5. The licensee acknowledges that the conditions herein pertain to its sales of medical marijuana and related products as may be permitted under existing state

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law, and that in adopting these conditions the Town assumes operations by the licensee that comply with existing state law. The Town reserves the right to modify these conditions as may be permitted by law in the event that changes in state law could authorize changes in the products sold by the licensee or in the nature of the licensee's business.

### Operational Requirements

- | ~~5.6.~~ The hours of operation shall not exceed the hours of 10 a.m. to 7 p.m. Monday through Saturday, and 12 noon to 5 p.m. on Sunday.
- | ~~6.7.~~ The licensee shall ensure that its (a) hours of operation, and its (b) hours and methods of transportation of product, shall not be a detriment to the surrounding area and nearby uses.
- | ~~7.8.~~ The licensee shall not permit any disorder, disturbance, or illegality under State or local law of any kind on the property that is the subject of the Town RMD license.
- | ~~8.9.~~ The licensee's operations shall not result in illegal redistribution under State or local law of medical marijuana obtained from the licensee, or in use of medical marijuana in any manner that violates State or local law.
- | ~~9.10.~~ The licensee's operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding its premises and adjacent properties. "Nuisance" includes, but is not limited to, disturbances of the peace, open public consumption of cannabis, excessive pedestrian or vehicular traffic, illegal drug activity under State or local law, harassment of passersby, excessive littering, excessive loitering, illegal parking, excessive loud noises, excessive citation for violations of State traffic laws and regulations and/or Transportation Department Rules and Regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public way (sidewalks and streets), collisions between vehicles, bicyclists, and pedestrians, lewd conduct or police detentions and arrests.
- | ~~10.11.~~ During the first two (2) weeks of operations, the licensee shall service patrons by appointment only, which the licensee shall establish in advance in a manner that is reasonably calculated to evenly distribute customer service throughout its hours of operation and minimize adverse traffic, parking and other neighborhood impacts relative to congestion. During this two-week period, use of the licensee's parking lot and traffic and parking in the immediate vicinity of the licensee's premises will be monitored by the police officer(s) detailed to the site. Approximately one week following the conclusion of the initial two-week period of operations, Town's Director of Public Health or designee and the Town's Chief of Police or designee, along with any additional Town officials as they deem appropriate, will review the above-described types of impacts on the neighborhood and will determine whether or not to then permit customer service at the premises on a basis other than by appointment only. At the sole

## 11. - 3

discretion of the Director of Public Health, the by-appointment-only customer service requirement may be extended for an additional two-week period. The Board otherwise reserves its right to impose an appointment-only requirement pursuant to and in conformity with applicable law, including but not limited to the Town's Registered Marijuana Dispensary (RMD) Regulations.

~~11.~~12. The licensee shall implement and comply with a Transportation Demand Management Plan that is consistent with these conditions and that has been approved (in a final form consistent with these conditions) by the Director of Transportation and Engineering and the Assistant Director for Regulatory Planning, which may include, as they shall determine:

- (a) the commitment to find off-site private parking for any employees driving to this site;
- (b) sheltered bicycle parking;
- (c) a specific minimum percentage of MBTA subsidy for employees, and performance monitoring and submission of records of any required remedial actions, with traffic studies to be conducted approximately 3 months and 15 months after opening for business (rather than from the date of the certificate of occupancy).
- (d) a provision stating that if performance goals are not met, additional mitigation measures shall be implemented subject to the review and approval of the Director of Transportation and Engineering and the Assistant Director of Regulatory Planning.

The definition of the term "peak periods" referenced in the Transportation Demand Management Plan is subject to approval by the Commissioner of Public Works or designee.

~~12.~~13. The licensee shall equip the Town RMD and otherwise conduct its operations in such a manner that (a) no pesticides or other chemicals or products are dispersed into the outside atmosphere, and (b) no odor of marijuana or its processing can be detected by a person with an unimpaired and otherwise normal sense of smell at the exterior of the RMD or at any adjoining use or property.

~~13.~~14. The licensee shall offer home delivery to all home-bound patients upon request as may be in conformity with DPH requirements. The licensee shall work with the Massachusetts Department of Public Health and the Town's Director of Public Health to review its schedule and procedures for home delivery prior to expansion of the program to additional customers. The licensee shall provide a report to the Director of Public Health regarding the status of its home delivery operations/plans approximately two (2) months after commencing operations.

~~14.~~15. Home deliveries shall not originate from the Town RMD.

~~15.~~16. The licensee shall notify the Board and the Town's Health Director in writing of any newly-offered medical marijuana-infused products that the licensee had not

previously disclosed to the Board in its original RMD license application or in any subsequent written disclosure to the Board.

~~16.~~17. The licensee shall have a police officer on-site to direct traffic in and out of the site during operating hours in the first fifteen (15) months of operations. With a minimum of two (2) weeks advance written notice to the Town Administrator, but no earlier than three (3) months after the commencement of operations, the licensee may apply for a waiver of this requirement from the Chief of Police or designee, who may waive this requirement following review of the Traffic Demand Management Plan and actual traffic operations at the site.

~~17.~~18. The licensee shall have a parking attendant on site during hours of operation for the first three (3) months of operation, and thereafter for so long as conditions constituting triggers for remedial action under the Transportation Demand Management Plan exist, as may be documented in studies and/or reports undertaken pursuant to the TDMP.

#### Security-Specific Requirements

~~18.~~19. The licensee shall maintain compliance with a Town Police Department-approved security and public safety plan, including specification of video and lighting locations, and any other security measures as may be required at any time by the Police Department. Such measures may include, but are not limited to, measures relating to lighting, alarms, fencing, gates, delivery procedures, and police details.

~~19.~~20. The licensee shall immediately notify the Town's Police Department of any known or suspected violation of criminal law that has taken place on or near the location of the Town RMD. This is to include any criminal behavior related or unrelated to the business of the Town RMD.

~~20.~~21. The licensee shall promptly copy the Town's Chief of Police on any notifications and submissions it makes to the Massachusetts Department of Public Health pursuant to 105 CMR 110(F) relating to the Town RMD ("Incident Reporting").

~~21.~~22. The licensee shall facilitate the immediate access and transfer of video footage from any video surveillance system of the Town RMD's interior or exterior when so requested by the Town's Police Department (which request may be made when the Police Department has a reason to believe that such footage may be of assistance in an ongoing investigation related or non-related to the business of the RMD).

~~22.~~23. The licensee shall connect its alarm system to a third party monitoring system, and notify the Town's Chief of Police about said third party monitoring system.

#### Public Health-Specific Requirements

~~23~~.24. Packaging and Labeling of Marijuana (Excluding MIPs). The licensee shall package marijuana in plain, opaque, tamper-proof, and child-proof containers without depictions of the product, cartoons, or images other than the RMD's logo. The licensee shall consider reverse marketing techniques in devising the presentation of the packaging (including the color of the packaging and its lettering). The licensee shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each package of marijuana that it prepares for dispensing, containing at a minimum the following information:

- (a) The registered qualifying patient's name;
- (b) The name and registration number of the RMD that produced the marijuana, together with the RMD's telephone number and mailing address, and website information;
- (c) The name of the strain contained within the package;
- (d) The quantity of usable marijuana in ounces contained within the package. A conversion table to allow the rapid conversion from ounces to grams shall be included in the Patient Handbook referenced in condition no. ~~276~~ below;
- (e) The date that the RMD packaged the contents;
- (f) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- (g) The cannabinoid profile of the marijuana contained within the package, including THC level;
- (h) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 105 CMR 725.105(C)(2);
- (i) This statement, subject to approval by DPH, including capitalization: "This product has not been analyzed, studied or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN"; and
- (j) A warning that driving while impaired may result in a traffic stop and that the driver could be subject to criminal prosecution for driving under the influence of marijuana.

All labeling and packaging must receive prior approval of the Town's Health Director.

~~24~~5. Labeling of Marijuana-Infused Products (MIPs, including capsules and pills). The licensee shall package marijuana in plain, opaque, tamper-proof, and child-proof containers without depictions of the product, cartoons, or images other than the RMD's logo. Edible MIPs shall not bear a reasonable resemblance to any product available for consumption as a commercially available candy. The licensee shall consider reverse marketing techniques in devising the presentation of the packaging (including the color of the packaging and its lettering). The licensee shall place a legible, firmly affixed label on which the wording is no less than 1/16 inch in size on each MIP that it prepares for dispensing, containing at a minimum the following information:

- (a) The registered qualifying patient's name;

## 11. - 6

- (b) The name and registration number of the RMD that produced the MIP, together with the RMD's telephone number and mailing address, and website information;
- (c) The name of the product;
- (d) The quantity of usable marijuana contained within the product as measured in ounces;
- (e) The size of the dose of active cannabinoids as measured in milligrams;
- (f) A list of ingredients, including the cannabinoid profile of the marijuana contained within the product, including the THC level;
- (g) The date of product creation and the recommended "use by" or expiration date;
- (h) A batch number, sequential serial number, and bar code when used, to identify the batch associated with manufacturing and processing;
- (i) Directions for use of the product if relevant;
- (j) A statement that the product has been tested for contaminants, that there were no adverse findings, and the date of testing in accordance with 105 CMR 725.105(C)(2);
- (k) A warning if nuts or other known allergens are contained in the product;
- (l) With regard to edible MIPs, the following statement, subject to approval by DPH, including capitalization and bold: "**The effects of this product may be delayed for two or more hours.** This product has not been analyzed, studied or approved by the FDA. There is limited information on the side effects of using this product, and there may be associated health risks. Do not drive or operate machinery when under the influence of this product. KEEP THIS PRODUCT AWAY FROM CHILDREN;" and
- (j) A warning that driving while impaired may result in a traffic stop and that the driver could be subject to criminal prosecution for driving under the influence of marijuana.

All labeling and packaging must receive prior approval of the Town's Health Director.

26. Dosage and MIP Safety. To ensure proper MIP dosage and patient safety, the licensee, at a minimum, will:

- (a) Products: Offer low dosage MIPs (10 mg) for new or low-tolerance patients.
- (b) Provide patients a MIPs dosage and safety guide that has been reviewed and approved by the Town's Health Director that includes instruction, information, and warnings about the following:
  - (i) Dosage safety: Urging consumption on a "start low and go slow" basis; including information about variability among different patients' tolerance to products and person-to-person variation in the effects;
  - (ii) Guidance for first-time or low-tolerance patients;
  - (iii) Information in the nature of a product label guide that explains dosage and ingredients;
  - (iv) Duration: Information about both the time interval until the product effects are felt and the length of product effects;
  - (v) Responsible storage: Direction to keep products away from children and not to store them next to any other food items;
  - (vi) Other warnings to patients:

- a. Driving and machinery: Not to operate a vehicle or machinery under the influence;
- b. Pregnancy: That there may be additional health risks associated with consumption of this product for women who are pregnant, breastfeeding, or planning on becoming pregnant.
- c. With regard to edible MIPs:
  - (i) Alcohol: Not to mix MIPs with alcohol;
  - (ii) Eating first: To eat a full meal before consuming MIPs as doing so helps in lowering the intensity of the effects;

~~27~~-27-Patient Education. The RMD must distribute a Patient Handbook, which shall be reviewed and approved by the Town's Director of Health, to all new patients upon intake. The receiving patient shall acknowledge receipt of the Patient Handbook in writing, and the acknowledgement shall be kept on file with the RMD. The Patient Handbook will prominently inform patients of its policies for home delivery and the availability of appointments upon request.

~~28~~-27.

~~29~~-28. The licensee shall maintain a Town Health Department-approved protocol for quality control and comply with such protocol and with any quality control protocols established by DPH.

~~30~~-29. All edibles for sale shall be produced in accordance with DPH requirements and with the RMD's DPH-approved protocol for testing for contaminants, and either in accordance with Article 10 of the State Sanitary Code or produced by a source that is approved by the Town's Health Department or the DPH.

~~31~~-30. Any edible for sale is subject to random testing to check for contaminants and/or proof that testing has occurred.

~~32~~-31. There shall be no production or manufacture of any products at the Town RMD. This does not pertain to repackaging of cannabis products produced or manufactured off-site.

~~33~~-32. The licensee shall maintain a Town Health Department-approved annual evaluation plan for measuring efficacy (outcome measures).

~~34~~-33. The licensee shall conduct a patient satisfaction survey every 6 months.

~~35~~-34. The licensee shall have at least one staff member trained in CPR/AED on-site at the Town RMD during all hours of operation, and there must be one working AED on site at all times.

#### Facility-Specific Requirements

~~36~~-35. The licensee shall maintain a designated patient/handicap drop off space/zone within its parking lot.

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~~37.~~36. The licensee shall conspicuously post signage at any entrance actively used by the public indicating that entry into the premises of the RMD by persons not possessing a valid Registration Card is prohibited. The notice shall be no smaller than 8.5” by 11.”

~~38.~~37. The licensee shall conspicuously post signs in the parking lot informing the public that parking spaces are for use by NETA patients only and that parking time is limited to 30 minutes maximum.

Community Relations-Specific Requirements

- ~~39.~~38. The licensee must hold an annual community meeting to provide abutters and community residents with an opportunity to comment on the RMD's operating practices, policies and plans.
- (a) Community meetings shall be advertised in the Brookline local newspaper between two (2) and four (4) weeks in advance of the meeting and announced on the licensee's website beginning at least four (4) weeks in advance of the meeting and through the date of the meeting.
  - (b) The licensee shall promptly notify the Town Administrator of community meetings and supply a copy of the Brookline TAB advertisement.
  - (c) The licensee shall notify all Town Meeting members of community meetings two (2) to three (3) weeks in advance of the meeting.
  - (d) As part of the Town's annual RMD license renewal process, the licensee shall submit a report outlining the number of attendees, a summary of comments received, and proposed responses and plans to address comments.

Access to Premises and Information/Reporting/Record-Keeping

~~40.~~39. The licensee shall consent to unannounced, unscheduled, periodic inspections of the Town RMD by the Board and its agents (which, when conducted by the Police Department, shall be by a sworn police officer holding the rank of Sergeant or higher) on week-days during normal business hours to determine the licensee's compliance with applicable State and local laws, regulations and codes and with conditions on the DPH Certificate of Registration, the Town RMD license, and the Town's ZBA Special Permit. Inspections may be made at other times to investigate complaints or non-compliance issues. Inspections may include all areas occupied, used or controlled by the licensee. Facilities requiring re-inspection are subject to applicable re-inspection fees.

~~41.~~40. The licensee shall cooperate and comply with requests for information made by the Board and its agents.

~~42.~~41. The licensee shall submit requested data and reports to the Board and its agents in the form and manner that they may determine. The licensee may identify information within such documents that it believes is non-public record, for the Town's consideration. These submissions shall include:

- (a) As part of the annual Town RMD license renewal process, an annual report the accuracy and completeness of which is attested to under penalties of perjury detailing information that shall include:
  - (i) Names and 24-hour site contact information for all Executive Management Team members, Managers and Assistant Managers;

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- (ii) An independent financial audit of the licensee prepared by a licensed CPA for the preceding fiscal year;
- (iii) The percent of the Town's RMD's customers who qualify for and receive a subsidy from the licensee;
- (iv) The number and geographical distribution of patients/caregivers visiting the Town RMD by month, and the number of home deliveries conducted per month and the originating location of them;
- (v) A current list of products sold at the licensee's Town premises and of the prices of these products. The Town will redact any pricing information from any postings, reports or public records requests in accordance with DPH regulations.
- (vi) In connection with the Transportation Demand Management Plan, performance monitoring records, reports and records of any required remedial actions, and any other records as may permit the Selectmen to review the effectiveness of the TDMP and that may evidence the licensee's continued implementation of and compliance with the TDMP's performance goals;
- (vii) The number and percentage of on-site employees using the licensee's public transportation subsidy for employees, and the number and percentage of on-site employees who generally commute to the Town RMD using a means other than a vehicle parked in Town;
- (viii) Total number of employees whose duties entail working at the Town RMD on a part- or full-time basis;
- (ix) Certification that all employees who drive to the Town RMD site are parking in an off-site private parking facility;
- (x) With the exception of the information requested in Section 3(f) and Section 6 of the Town's RMD license application (regarding the licensee's personnel who had previously submitted a CORI Acknowledgement Form to the Town), a description of changes or additions to the information the licensee had previously provided to the Town as part of its application for a new RMD.
- (xi) A copy of the RMD's complete application for renewal to DPH of the DPH Certificate of Registration. The RMD may identify information within such documents that it believes is non-public record, for the Town's consideration.
- (xii) In connection with community meetings held during the preceding license period, a report outlining the number of attendees, a summary of comments received, and proposed responses and plans to address comments.
- (xiii) A report summarizing community complaints received during the preceding license period other than through community meetings, including the number of complaints received, a summary of the substance of each of the complaints, and the manner in which the licensee addressed and/or remediated each of the complaints (or its planned response(s), with respect to complaints not yet addressed/remediated).

43-42. Within twenty-four (24) hours of receipt of notice of it, the licensee shall:

- (a) file with the Town Administrator, Director of Public Health and the Building Commissioner any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales,

- deficiency statement, plan of correction, notice of a hearing, notice of any other administrative process or legal action, denial of a Certificate of Registration, denial of a renewal of a Certificate of Registration, or final action issued by a state or federal agency (including, but not limited to, DPH) regarding the licensee or the licensee's Certificate of Registration; and
- (b) inform the Town Administrator if any of the licensee's Dispensary Agent's state dispensary agent registration is revoked, if a renewal application for a state dispensary agent registration is denied, or if the Dispensary Agent is subject to any pending administrative process or legal action.

44.43. Licensee shall promptly provide prior written notice to the Town Administrator of its intent to cease accepting payment by credit card.

45.44. The licensee shall provide the Town Administrator, Chief of Police, Fire Chief, Health Director, Planning Director, and Building Commissioner with an up-to-date list of the names, 24-hour telephone numbers and email addresses of all Executive Team Members, Managers, Alternate Managers, and key holders to whom the Town may communicate if necessary during business hours and after business hours.

46.45. Executive Management Team Members, Managers and Alternate Managers shall respond within twenty-four (24) hours of contact by a Town staff member.

47.46. The licensee shall maintain on its premises in a readily-accessible location one or more binders containing (a) all operating policies and procedures required by 105 CMR 725.105, (b) an up-to-date list of all products sold at the Town RMD, including the strains and forms in which medical marijuana is sold, and the products sold to facilitate its use, along with prices charged, (c) the licensee's entire application for a new RMD license to the Town and updated information it supplied to the Town; (d) the licensee's entire Phase 2 application to DPH for a Certificate of Registration, (e) a Town Health Department-approved pest control and a rubbish and litter plan, (f) a copy of Registration Cards of the applicant's Dispensary Agents staffing or supervising staff of the Town RMD, and (g) proof of a general liability insurance policy or escrow account as required by 105 CMR Part 725.105(Q). Upon the request of the Board or its agent, the licensee shall make the binder(s) available for inspection.



**EQUAL EMPLOYMENT OPPORTUNITY POLICY  
TOWN OF BROOKLINE, MASSACHUSETTS**

September 2016

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## I. Policy Statement

The Town of Brookline (hereinafter “Town”), as represented by its Board of Selectmen (hereinafter “BOS”), Town Administrator, and Department Heads, values and celebrates the diversity of the community it serves and the individuals it employs, embracing differences in race, color, ethnicity, gender, sexual orientation, gender identity or expression, disability, age, religion, creed, ancestry, national origin, military or veteran status, genetic information and marital or family status (hereafter all of the above categories will be referred to as “protected status”). The Town believes it has a responsibility to capitalize on the strength emanating from these differences and that it has an additional duty to ensure that all of its employees, citizens, vendors, and the members of the general public are treated with dignity and respect in all of their duties and dealings with the Town.

The Town of Brookline strives to foster congenial, respectful, and professional relationships among its employees, residents, and visitors and is committed to ensuring that these relationships remain cordial, respectful, inclusive, and free of bias and prejudice. The Town actively and affirmatively subscribes to a policy of equal employment opportunity and will not discriminate against any applicant or employee because of that person’s protected status. The Town understands and acknowledges that a workplace that attracts and retains diverse personnel will allow the Town of Brookline to serve its citizenry more creatively, strategically, and productively.

Therefore, the Town adopts this Equal Employment Opportunity Policy (“EEO Policy”). Pursuant to this EEO Policy, the Town’s Appointing Authorities shall take affirmative steps, within the confines of applicable law, to hire qualified candidates from diverse pools of applicants for every position. This will require effort to reach out to applicant pools that are deep and rich in their composition of varied individuals. It shall further be the EEO Policy of the Town to ensure that its Departments, in conjunction with the Human Resources Department and the Chief Diversity Officer (“CDO”), take steps to create both a workforce and a work environment that is welcoming and inclusive of all and allows equal opportunity for all to work to their full potential.

## II. Purpose

The Town is committed to ensuring equitable participation for individuals of all backgrounds in all of its daily operations. The purpose of this EEO Policy is to put into place policies and procedures intended to ensure that the Town provides equal employment opportunity for all individuals and that it does not discriminate against any person based on a protected status. This EEO Policy shall cover all employment actions, including but not limited to recruitment, selection, compensation and benefits, professional development and training, reasonable accommodation for disabilities or religious practices, promotion, transfer,

discipline including termination, layoff, and other terms and conditions of employment. Consistent with State, Federal, and Town civil rights laws, the Town prohibits discrimination, sexual harassment, and retaliation by or against its employees, and therefore, this EEO Policy shall be administered in conjunction with the Town's Policy Against Discrimination, Sexual Harassment and Retaliation ("*Policy Against Discrimination*").

### III. Dissemination of EEO Policy

The Human Resources Department shall regularly distribute this EEO Policy in the same manner as it distributes other Town policies and shall ensure that the EEO Policy is posted and easily accessible by all employees, the unions representing Town employees, and members of the general public. The EEO Policy shall be distributed with the *Policy Against Discrimination* during employee orientation and in all other instances in which the *Policy Against Discrimination* is distributed.

Each union shall be informed of and provided with copies of this EEO Policy and the *Policy Against Discrimination*.

### IV. Recruitment

The Town recruits people for a variety of positions, and recruitment strategies necessarily vary according to the type of position to be filled. Considerations include, without limitation, whether the position is covered by Civil Service rules and regulations, whether the position is union or non-union, entry-level or specialized, temporary or permanent, seasonal or contract, and full-time or part-time. Despite this wide variety of positions and strategies, it is incumbent upon the Town's Human Resources Department to reach out to and create diverse applicant pools, within the confines of applicable law.

The Human Resources Department in consultation with the CDO and the Commission for Diversity, Inclusion and Community Relations ("CDICR") shall develop and monitor recruiting strategies to increase and maintain diverse hiring pools. The Human Resources Department, in conjunction with the Appointing Authorities, shall use both traditional and non-traditional sources and methods of recruiting applicants for employment as may be deemed effective in affirming the Town's commitment to equal employment opportunities for all individuals regardless of protected status. The Town shall also provide reasonable accommodations to job applicants with disabilities when necessary to enable such applicants to complete the job application process, and if hired, to enable them to perform the essential functions of the job.

The Human Resources Department shall periodically review job descriptions and job postings to ensure that job specifications and qualification standards are in

## 12. - 5

accordance with and promote this EEO Policy, the Town's *Policy Against Discrimination*, and applicable law, and reflect the essential functions of the job.

The Human Resources Department in conjunction with the CDO shall ensure that all interviews and background investigations are conducted in accordance with this EEO Policy, the Town's *Policy Against Discrimination*, and applicable law. The Human Resources Department in cooperation with the CDO shall provide, as appropriate, regular training to hiring managers and review of interview questions, and recruitment and interview strategies to ensure that they are consistent with State, Federal, and Town laws and with the Town's *Policy Against Discrimination*, and that they promote the goals of this EEO Policy.

The Human Resources Department shall employ methods consistent with State, Federal, and Town laws to obtain information from applicants including the applicant's sex, race, and military status.

All communications with the public in regard to recruitment, jobs, interviews and employment shall state that the Town of Brookline is an Equal Opportunity Employer.

### **V. Employee Development, Retention, and Promotion**

The Human Resources Director, in conjunction with the Town Administrator and Department Heads, shall take affirmative steps to develop the talents, skills, and other abilities of its workforce in an attempt to provide as many employees as reasonably possible with opportunities to advance to higher level positions within the Town.

Supervisors shall be provided with information on how to work with staff to enhance job satisfaction and to further career development. The Human Resources Department and other Departments will regularly review the training needs of Departments and training utilized under the various collective bargaining agreements.

The Town shall make all employees aware of the professional development opportunities available to employees and shall encourage the unions to make their members aware of the funds for professional development and incentives available under their collective bargaining agreements. The Human Resources Department in consultation with the CDO shall work with Department Heads to ensure that a fair promotion procedure is followed.

Department Heads, Managers, and Supervisors are required to receive ongoing development in the areas of diversity and inclusion. Additionally, all employees shall be offered training in diversity and inclusion.

## VI. Maintaining an Inclusive Work Environment

The Town shall take steps to assure that its workforce and work environment are welcoming to applicants and employees of diverse backgrounds. The Town shall periodically conduct assessments of its workforce to gauge the climate of its workplace culture, whether there are perceived barriers to equal employment opportunity based on protected status, and whether the Town is a welcoming and inclusive employer for people of diverse backgrounds. The Human Resources Department shall conduct exit interviews of personnel leaving the Town's workforce for these purposes.

The Human Resources Department shall regularly train Department Heads, Managers, and Supervisors on this EEO Policy and methods to ensure their worksites are welcoming and inclusive of all and allow equal opportunity for all to work to their potential regardless of protected status. Such training may include but is not limited to: a) creating a welcoming environment, b) overcoming workplace barriers, c) essential and non-essential job functions, d) appropriate pre-employment inquiries and examinations, and e) conflict resolution. Such training shall reinforce and maintain basic knowledge, understanding, and application of the laws and policies regarding State, Federal, and Town anti-discrimination laws as well as the Family Medical and Military Leave laws, the Americans with Disabilities Act and their affirmative obligations under those laws.

## VII. Reasonable Accommodation

Consistent with the Town's *Policy Against Discrimination*, the Town shall provide reasonable accommodation for employees with disabilities or with religious observance or practice requirements to ensure to such persons equal opportunity in employment and participation in the Town's employment programs, services, and activities. Information about the Town's reasonable accommodation policy and how to request a reasonable accommodation is included in the *Policy Against Discrimination*.

The Human Resources Department shall take steps to heighten awareness of the *Policy Against Discrimination's* provisions regarding reasonable accommodation of job applicants and employees with disabilities and with diverse religious observation and practice requirements, to enable such applicants to complete the job application process, and if hired, to enable such employees to perform the essential functions of the job and to benefit from all the employment opportunities the Town offers.

Further, the Human Resources Department shall work with Departments to maintain basic knowledge, understanding, and application of current laws and policies regarding reasonable accommodation, including but not limited to a) legal requirements of discrimination laws in the workplace, b) what is meant by a "qualified" individual with a disability, c) reasonable accommodation / job

modification, d) essential and non-essential job functions, and e) appropriate pre-employment inquiries and examinations.

### **VIII. Auditing and Reporting**

The Human Resources Department, in collaboration with the CDO, shall develop and implement audit and reporting systems that measure the effectiveness of this EEO Policy and identify any needs for improvement or remedial action regarding the Policy itself or employees responsible for its execution. In this process the Human Resources Director shall consult with the Human Resources Board (HR Board”) and the CDO and shall consider recommendations of the CDICR. The Human Resources Director shall report annually to the HR Board, the CDICR, and the BOS regarding the implementation of this EEO Policy.

The report shall include a description of the manner and means in which the Town has recruited for positions over the past year, including strategies that were used based on whether a position was covered by Civil Service rules and regulations, whether it was a union or non-union position, entry level or specialized, temporary or permanent, seasonal or contract, and full-time or part-time. The report shall also include information regarding employees’ and applicants’ self-identified sex, race, disability, and military status. In addition, the report shall describe steps taken to develop and train the workforce to create opportunities for advancement for employees with protected status. The report will also include data on hiring, promotion and turnover of employees.

### **IX. Analysis and Remediation**

The Human Resources Director in collaboration with the CDO will review and analyze the annual report of workforce composition. Department Heads will be given feedback on their progress in hiring, promoting, and retaining employees with protected status. Historical data will be reviewed to identify both positive and negative trends in hiring, promotion, and retention. Managers shall be recognized for positive progress and made aware of gaps between the representation of minorities and women in their department versus the availability of minorities and women in the pool of available workers. Strategies to remediate any shortcomings in the implementation of this EEO policy shall be developed by the Human Resources Director and the CDO and agreed upon by the Town Administrator and Department Heads. Strategies shall be reported to the CDICR.

### **X. Responsibility and Accountability for EEO Policy**

The BOS and the Town Administrator are responsible for the administration of all Departments. Appointments and hiring decisions are made by the BOS, Town Administrator, and the Town’s various Appointing Authorities.

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The Human Resources Director shall be responsible for implementing this EEO Policy, as the person responsible for all aspects of the Town's Human Resources program, including its compliance with applicable law, assuring fair treatment of applicants and employees in all aspects of personnel administration without regard to protected status, and, in cooperation with the CDO and the CDICR, striving for diversity in the Town workforce. In addition, the Human Resources Director shall execute such diversity and inclusion initiatives that further this EEO Policy.

The Department Heads shall notify Human Resources of all anticipated personnel actions as early as possible, including vacancies, hiring decisions, transfers, promotions, demotions, discipline, new positions, and separation from employment, in accordance with Town personnel policies and procedures, and collective bargaining requirements. Likewise, Departments shall regularly work with Human Resources to develop job specifications, qualification standards, and conduct interviews and testing in accordance with EEO requirements and the Town's *Policy Against Discrimination, Sexual Harassment and Retaliation*, and as consistent with Civil Service, collective bargaining agreements and prevailing law.

The Department Heads shall assist the Human Resources Director in preparing an annual report of workforce composition as required by the federal Equal Employment Opportunities Commission.

In implementing this EEO Policy, the Human Resources Director in collaboration with the CDO shall consider the CDICR's recommendations on recruiting, promotion, and retention that further the objectives of this EEO Policy.

Progress regarding implementation of this EEO Policy shall be reviewed on an annual basis by the BOS, which shall receive input from the Town Administrator, the Human Resources Director, the CDO, and the Chair of the CDICR.

## Introduction

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The Town of Brookline encourages departments and employees to use social media to enhance communications with the public in support of its mission, within the specific perimeters as detailed in this policy. This policy sets forth guidelines that Town employees and approved users must follow when using social media. Questions regarding this Policy should be directed to Human Resources.

This policy addresses two distinct uses of social media:

- a. **Work-Related Social Media Use.** The use of social media that is sanctioned as part of an employee's job function (*e.g.* when an employee tweets on behalf of the Town on a Town or other account). This use is addressed in Section 2 of this policy.
- b. **Personal Use of Social Media.** An employee's personal use of social media (*e.g.* logging into a personal Facebook™ account and providing personal updates to a personal Facebook™ page while at work during work hours). This use is addressed in Section 3 of this policy.

"Employee" includes those approved users contributing to or moderating Town social media sites or providing comments or updates to the Town's social media identities. "Social media sites" refers to websites that facilitate user participation, networking, and collaboration through the submission of user generated content. "Social media identity" is a specific user identity or account that has been registered on a third party social media site (such as the Whitehouse account on Twitter™ or an employee's personal account on Facebook™) that is associated with the Town, a Town official, or a designated employee. "Social media" in general includes tools such as: blogs, wikis, micro-blogging sites, such as Twitter™; social networking sites, such as Facebook™ and Linked In™; video sharing sites, such as YouTube™; and bookmarking sites such as Delicious™.

## 1. Employee Responsibilities

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It is the responsibility of Town employees who use social media to read, understand, and follow this policy. Users are expected to exercise reasonable judgment in interpreting this policy and in making decisions about the use of the Town's social media sites and identities. Any person with questions regarding the application or meaning of this policy should seek clarification from his or her Department Head or supervisor. Failure to observe this policy may subject individuals to disciplinary action, up to and including termination of employment.

## 2. Social Media For Work

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A Town social media site or identity may be used only in connection with contributing to the Town's mission. *Personal use of the Town's social media sites and identities is prohibited.*

Purposes of the Town's social media sites and identities consistent with the Town's mission include:

- Targeted communications and media relations
- Promoting and encouraging community engagement and communication with the public
- Providing information about Town's resources, operations, services and events

This section outlines the policy for Town of Brookline employees and those approved users contributing to or moderating Town social media sites or providing comments or updates to the Town's social media identities. In addition to the topics addressed below, social media content and use must be in compliance with the Town's existing policies, including, as may detailed below, the Town's Policy on the Use of Information Technology Resources ("IT Use Policy"), Policy Against Discrimination, Sexual Harassment and Retaliation, and Policy Against Fraudulent Conduct, Misappropriation and Corruption.

### ***Guidelines For Work-Related Social Media Use***

- Follow the Rules.** Follow the Town's IT Use Policy and terms of use. It is imperative that employees know and follow the Town's IT Use Policy, Terms of Use, and any additional policies applicable to use of the Town's information technology resources. The Town's social media sites or identities are "information technology resources" under the IT Use Policy.
- Be Respectful.** Abide by the Town's Policy Against Discrimination, Sexual Harassment and Retaliation and otherwise communicate respectfully. Never communicate in a way that a reasonable person would perceive as offensive, harassing, defamatory or insulting. Do not post profane, obscene, or vulgar language or content. Do not post content that promotes, fosters or perpetuates discrimination on the basis of race, color, sex, gender identity, national origin, religion, ancestry, age, sexual orientation, disability, maternity leave, genetic information, or military status. Remember that our public includes people of diverse backgrounds, customs, values and points of view. Refrain from topics that may be considered sensitive or objectionable, such as religion and party politics.

- c. **Follow Open Meeting Law Regulations.** The Massachusetts Open Meeting law prohibits a quorum of a public body from deliberating outside of a posted meeting. Be aware that a series of individual postings on a social media site cumulatively may convey the position of a quorum of a governmental body regarding a subject within its jurisdiction, and may constitute improper deliberation among the members of a board or committee.
- d. **Respect Protected Speech.** The Town's social media sites do not accept comments from the public, however, members of the public have some First Amendment rights in posting content to public social media sites hosted by government agencies. Moderators should respect those rights by posting all comments other than those excluded for specific legitimate reasons, such as comments that violate the Terms of Use.
- e. **Abide by Copyright Law.** Town social media users must abide by laws governing copyright and fair use of copyrighted material owned by others. Never reprint whole articles or publications without first receiving written permission from the publication owner. Never quote more than a short excerpt of someone else's work and, if possible, provide a link to the original.
- f. **Protect Confidential Information.** Employees are prohibited from publishing information that would be non-public record pursuant to the Massachusetts Public records Law if contained in a document, or that is proprietary or otherwise confidential or private under federal and state law, including, but not limited to, the Mass. Gen. Laws ch. 214, s. 1B, Mass. Gen. L. Ch. 66A, Executive Order 504, or other Federal or State privacy laws or regulations. Examples of such information that may not be disclosed include, but are not limited to, information about or reflecting a person's medical or psychiatric condition, criminal record, injury, workplace discipline or other confidential personnel matters, social security or State driver's license number, birthdate, or other private or sensitive information the publication of which the subject could be considered an invasion of privacy.
- g. **Do Not Delete.** Comply with Retention Requirements. Social media sites will contain communications sent to or received by Town officials and employees, and are therefore "public records" under the Massachusetts Public Record Law. The Town or the department must retain a copy of the social media content in accordance with the Secretary of State's Office's Public Records Retention Schedules. Contact the Town's IT Department for questions or concerns regarding this requirement.

- h. **Be Cautious with Content.** As informal as social media sites are meant to be, if they are on a Town domain or a Town social media identity, they are official Town communications. Social media sites will be sought out by mainstream media as well as the general public. Thought needs to go into how to use social media to benefit the Town and the public. Employees should not comment about rumors, political disputes, or personnel issues, for example.
- i. **Identify Yourself.** Be Clear When Speaking on Behalf of the Town. Employees should identify themselves by name, and, when relevant, role or position in the Town when discussing Town-related matters on a Town social media site or in connection with a Town social media identity. Employees should clearly state when they are speaking for themselves and when they are speaking on behalf of the Town. From time-to-time, Town employees may be asked on a social media site (such as a blog or wiki) to explain how the Town will apply certain laws, policies or practices to a particular situation. If the response to the question is uncertain and/or involves the employee's interpretation, the employee should first consult their supervisor.
- j. **Think Before You React.** The purpose of many social media sites is to communicate with the public. Employees can expect that some external posts from the public will contain inaccuracies or be negative in tone. Do not engage with the commentator. When you see a misrepresentation made about the Town, the employee should consult their supervisor to determine if a response is warranted or necessary.
- k. **Admit Mistakes.** If an error is made, it should be corrected. However, in order to achieve transparency, content that has already been published should not be changed, but corrections made. Only spelling errors and grammar fixes should be made without making the change evident to users. Ways to accomplish this include: i) striking through the error and making the correction, and ii) creating a new post with the correct information, and linking to it from the post you need to correct or clarify.
- l. **Media Inquiries.** The Town's social media site or identity may lead to increased inquiries from the media. If an employee user is contacted by a reporter, media questions should be referred to the Department Head and/or the Town Administrator's Office.

### 3. Personal Use of Social Media

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- a. **Follow the Rules.** Follow the Town's IT Use Policy, if using social media at work. Employees engaging in personal use of social media at work must know and follow the Town's IT Use Policy and any additional Town or Department policies applicable to the use of information technology resources.

In addition, personal use of social media must be in conformity with relevant portions of the Town's workplace policies and all relevant laws and regulations including Town policies against harassment and discrimination, confidentiality policies, ethics rules, code of conduct, and other policies, as well as with state ethics law, Federal Copyright law, and other applicable laws and regulations. Some of these policies, for example the Town's Policy Against Discrimination, Sexual Harassment and Retaliation, could apply to employee actions performed outside of work at third-party sites. Specific departments may have their own policies on personal use of social media. Employees are responsible for knowing and following any and all such policies.

- b. **Speak for Yourself.** Employees' personal use of social media should not be attributable to the Town or to the employee's job function in the Town. Personal use of social media may not be conducted in a manner that would lead a reasonable reader to think that the employee is speaking for or on behalf of the Town. Use of an image of the Town seal, a Town uniform, logo, emblem or other material that specifically identifies the Town or a Town Department must be approved by the Department Head, unless done so for the purpose of engaging in concerted activities relative to workplace issues (for example, wages or working conditions) as may be guaranteed by labor laws. If you communicate on social media in a way that associates yourself with your Town job, you must also communicate that you speak for yourself and not for the Town, for example, a Twitter profile could read "Tweets are my own."
- c. **Use Your Best Judgement.** Refrain from personal use of social media sites that could be disruptive to the workplace or to Town operations. This policy is not intended to infringe upon an employee's right to speak publicly as a private citizen on matters of public concern to the extent guaranteed by constitutional provisions on Free Speech, or to communicate with other employees or employee representatives for the purpose of engaging in concerted (joint) activities relative to workplace issues (for example, wages or working conditions) as may be guaranteed by labor laws - the Town recognizes these rights.

That said, Town employees must consider that their communications using personal social media are or may become public, and may be discoverable in litigation. Personal social media communications have the potential to sow discord in the workplace and interfere with Town operations, where, for example, an employee communicates about sensitive or private matters involving another Town employee or a Town resident, or disparages and harasses another Town employee or a Town resident. Some communications may discredit the Town, the employee or the employee's Department and adversely affect the employee's or Town's effectiveness and operations, for example, where the employee uses gross profanity, comments regarding his or her personal drunkenness or illegal drug use, or posts obscene or sexually explicit material. It is particularly important to be thoughtful about content when you identify your work affiliation (e.g., by disclosing your Town email address). This is an evolving area of the law; therefore, Town employees should use their best judgment at all times when engaging in personal social media use.

- e. **Protect Confidential Information.** Except to the extent that it is their right to do so under the federal and state constitutions and the labor laws as described at the beginning of this Section 4(d), Town employees are prohibited from discussing Town business. In addition, Town employees are prohibited from disclosing non-public record, confidential or propriety information the employee obtained as the result of Town employment. (See Section 3(e) for illustrations.)

#### 4. Social Media Action Plan

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Town of Brookline departments that use social media should have a full communications strategy that aligns with the Town of Brookline efforts to engage and inform the public. To effectively fit social media into your communications strategy, departments must complete this Social Media Action Plan (SMAP) that identifies goals, objectives, target audiences, resources, and more. If your department does not have a compelling reason to launch a new social media page (see below), you should plan to instead leverage some of Town of Brookline's existing social media pages. Goals for social media pages at the Town of Brookline include:

- Targeted communications and media relations
- Promoting and encouraging community engagement and communication with the public
- Providing information about Town's resources, operations, services and events

# Social Media Action Plan

**INSTRUCTIONS**

Departments and/or workgroups who wish to open a social media account on behalf of the Town must complete this Social Media Action Plan (SMAP) that identifies goals, objectives, target audiences, resources, and more. If your department/workgroup does not have a compelling reason to launch a new social media page (see below), you should plan to instead leverage some of Town of Brookline’s existing social media pages. Goals for social media pages at the Town of Brookline (TOB) include:

- Targeted communications and media relations
- Providing information about Town’s resources, operations, services and events
- Promoting and encouraging community engagement

The Town Department Head should complete the Social Media Action Plan (SMAP). Completed SMAP should be submitted to the SMAP Committee, care of Stephanie Orsini, Assistant to the Town Administrator, [sorsini@brooklinema.gov](mailto:sorsini@brooklinema.gov). Please allow at least 5 business days for a response from the committee, and plan accordingly. Departments and/or workgroups should expect that their social media action plan will be reviewed on a regular basis by the SMAP Committee to determine if the goals of the communication strategy are being met and if not, how we can work together to achieve those goals.

**Section I: Department Information**

For all new social media pages, departments must submit this form to the Social Media Specialist. Please allow five (5) business days for a response and plan accordingly. It is recommended that each department have a SMAP on record for the social media pages being used to engage the public online.

<b>1. Department:</b>			
<b>2. Your Name:</b>		<b>3. Email:</b>	
<b>4. Supervisor:</b>		<b>5. Email:</b>	
<b>6. Today’s Date:</b>		<b>7. Launch Date:</b>	
<b>8. Provide a brief overview of your overall communication goals, and explain why the social media page(s) you are proposing are a good fit for these goals.</b>			
<b>GOALS:</b>			

**Section II: Strategy**

Departments should have a full communications plan that includes social media as a part of that strategy. This SMAP is designed to assist you in identifying those goals for any new social media page.

<b>ACCOUNTS</b>	1. What are the specific social media account(s) you would like to open?
	<p>_____ Facebook      _____ Twitter      _____ Instagram</p> <p>_____ You Tube      _____ LinkedIn      _____ Other: _____</p> <p>_____ Other: _____      _____ Other: _____</p>
<b>TACTICS</b>	2. What specific actions will help you achieve the goals?
	<p style="text-align: center; font-size: 2em; opacity: 0.5;">Draft</p>
<b>PEOPLE</b>	3 Who is your target audience? How does social media help you do that?
	<p style="text-align: center; font-size: 2em; opacity: 0.5;">Draft</p>
<b>SOURCES</b>	4. Have you considered using existing TOB accounts? How does a new social media account help you in a way that existing accounts do not?
	<p style="text-align: center; font-size: 2em; opacity: 0.5;">Draft</p>
<b>ACTIVITY</b>	5. How often do you plan on posting on the each of the ACCOUNTS checked off above?
	<p><i>Draw up guidelines of when you will be posting along with the anticipated number of posts for each account requested. Include whether these posts will be during work hours, after work hours, weekends</i></p>

<p><b>USERS</b></p>	<p>2. Who is the designated Social Media User (SMU) authorized to use this page? Who is the back-up authorized user? How much time should they spend on maintain this account/accounts?</p>
	<p>1. Designated SMU: _____</p> <p>2. Back Up SMU: _____</p> <p>3. Other Authorized User: _____</p> <p>4. Supervising Manager: _____</p> <p>5. Estimate the time required for designated SMU's to maintain account(s):</p>
<p><b>SUCCESS</b></p>	<p>4. For each account, what does success look like? What objective measures will you use to gauge your performance? How often will you evaluate your performance?</p>
	<p>_____</p>
<p><b>OVERSIGHT</b></p>	<p>1. Who is the designated supervisor for oversight of the social media accounts and the Social Media Users? How will oversight be provided?</p>
	<p>_____</p>
<p><b>PROMOTION</b></p>	<p>1. How will you promote and integrate social media into your communications plan?</p>
	<p>_____</p>
<p><b>SIGNATURE</b></p>	<p>Signed: _____ Date: _____</p> <p>Name: _____ Title: _____</p> <p>Committee: <input type="checkbox"/> Approved Date: _____ <input type="checkbox"/> NOT Approved Date: _____</p>



TOWN of BROOKLINE  
*Massachusetts*



BOARD OF SELECTMEN

NEIL A. WISHINSKY, Chairman  
NANCY A. DALY  
BENJAMIN J. FRANCO  
NANCY S. HELLER  
BERNARD W. GREENE

333 WASHINGTON STREET  
BROOKLINE, MASSACHUSETTS 02445

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[www.BrooklineMA.gov](http://www.BrooklineMA.gov)

MELVIN A. KLECKNER  
Town Administrator

DRAFT—February 6, 2017

Marty Jones, President and CEO  
Massachusetts Development  
99 High Street  
Boston, Massachusetts 02110

RE: The Coolidge Residences at Brookline  
Application for Comprehensive Permit Site Eligibility Letter

Dear Ms. Jones:

Thank you for providing the Town of Brookline with an opportunity to submit its comments on the application for Site Approval submitted by The Coolidge Residences at Brookline LLC to construct a 320-unit apartment complex at 8-10 Waldo Street under G.L. Chapter 40B.

**The Brookline Board of Selectmen urges MassDevelopment to deny Chestnut Hill Realty's application for a determination of eligibility.** The Town of Brookline has already reviewed ten Project Eligibility Letter (PEL) applications proposing almost 700 units in the past twelve months and, despite the significant impacts that most of the proposed 40B projects may individually have on Brookline, the Board of Selectmen has been judicious and restrained in its responses to PEL applications. While the Board has always requested modifications to prior applications, it has never—until now—recommended out-right denial. We do not take this position lightly. The magnitude of this specific project relative to its physical context, its blatant manipulation of the statute, and its potential impact on public safety mandates the Board's unequivocal opposition and the tenor of this letter.

The proposed development is alien to the building typology, height, scale, massing and character of adjoining and nearby properties or, for that matter, any area in Brookline. There is in fact nothing comparable anywhere in Brookline. The 21-story high-rise will stand in glaring

## 14. - 2

juxtaposition to the one and two-story commercial structures and predominantly three-story apartment buildings that dominate the immediate environs. It will be, by far, the tallest building in Brookline. We believe it will be the tallest building in the metropolitan area outside of the Boston-Cambridge core.

A massive high rise development on this site is not only inconsistent with but antithetical to both the residential neighborhood and commercial area in which it is to be located and to the 40B subsidizing agencies' stated "*commitment to ensure that affordable housing developments adhere to high standards of site and building design that enhance the quality of life of residents and the communities in which they reside.*" Not only does this proposed project fail to adhere to that commitment, it fails to even recognize the basic premise that a project should be "*generally appropriate for the site in which it is located, taking into consideration factors that may include proposed use, conceptual site plan and building massing, topography, environmental resources, and integration into existing development patterns.*"

The proposed building fails miserably in meeting the fundamental guideline that a 40B development honor its surrounding context and respect—or for that matter, even recognize—existing development patterns, which speak for themselves.





*View looking north and east from corner of Harvard Street and Beacon Street*

Protruding upward, the 21 stories overwhelm the site and the entire area, destroying site lines, casting shadows, threatening public safety, obliterating views of the sky, undermining the enjoyment of public spaces, and standing in stark contrast to the development pattern established over a century ago—a pattern acknowledged by the facts that the Waldo and Durgin garages are individually listed in the National Register of Historic Places and the site abuts the Beacon Street National Historic District.



*View looking east from corner of Harvard Street and Beacon Street*

The Town recognizes that the site warrants redevelopment and is not only amenable to appropriate development but actively supports it—including but not limited to creating affordable housing. Toward that end, the Town and applicant have joined forces to explore alternative land use scenarios for redevelopment of the site. The Board of Selectmen has recently appointed a committee and charged it with the responsibility of working with Chestnut Hill Realty to identify and explore alternative redevelopment scenarios with the goal of amending the Town's Zoning By-laws at Fall Town Meeting to accommodate the selected scenario. Chestnut Hill Realty has agreed to work with the Town and, if it receives a PEL, to defer the opening of the public hearing once it applies for a Comprehensive Permit. The Town of Brookline certainly appreciates the property owner's willingness to work with it to develop a mixed-use plan that contributes to the vitality of Coolidge Corner, and provides much-needed subsidized and market rate housing as well as appropriate and sensitive commercial development while advancing the property owner's priorities.

However, the fact that the developer has resorted to using the threat of a 40B development undermines the intent of a statute designed to promote affordable housing and the Town's ability to guide future development in a manner that protects and preserves the character and wellbeing of our downtown commercial area. This approach should be an affront to MassDevelopment, the other subsidizing agencies, the Town of Brookline and, we believe the entire 40B construct. Chapter 40B's purpose which, of course you know, "*... is to permit a city or town to plan jointly with cities or towns to promote with the greatest efficiency and economy the coordinated and orderly development of the areas within their jurisdiction and the general welfare and prosperity of their citizens.*" The Town has been successful in increasing the amount of affordable housing units by supporting well-designed housing that is integrated into its environs and respects the context in which it is located. The Coolidge does neither.

Not only does the proposal undermine the intent of 40B, it actually works counter to the stated goals of creating affordable housing. The Applicant has publicly acknowledged that this will be a luxury apartment complex, with monthly rents as high as \$13,511 per month for a 4-bedroom penthouse unit. The Applicant's representative stated at our public hearing that even he couldn't afford the projected rent. The proposal epitomizes gentrification—it will drive up rents in the entire neighborhood; threaten the multi-cultural, ethnic and racial composition of this neighborhood; and, while potentially creating 64 subsidized units, decrease the overall affordability of existing residential units throughout Coolidge Corner and the town. It will thus undermine the Town's efforts to protect and expand economic, social and racial diversity.

We respectfully suggest that MassDevelopment should be as concerned about the damage this project will do to 40B as the Town of Brookline is concerned about the irreparable damage it will do to Coolidge Corner and the quality of life enjoyed by residents and businesses in the area. The proposed property will loom over its neighbors, undermine the character of the neighborhood, destroy vistas, and literally and figuratively stand as a testament to misplaced and inappropriate—and even destructive---40B development. The proposed 21 stories will cast shadows throughout the area and presumably create a wind tunnel effect. Existing traffic congestion will be exacerbated exponentially. The introduction of three levels of parking spaces with the resulting ingress and egress to and from an extraordinarily busy intersection will create safety hazards for new tenants as well as the existing vehicular, bike and pedestrian traffic. The Coolidge site is in immediate proximity to a Brookline Housing Authority subsidized housing project as well as the Coolidge Corner Branch library, consistently ranked as the busiest branch library in the Commonwealth. Pedestrians of all ages and physical abilities define Coolidge Corner. This project poses a very serious and compelling threat to not only their enjoyment of the area but to their safety.

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As you are undoubtedly aware, the proposed project is within less than a half mile from six other projects in various stages of the Comprehensive Permit-PEL processes, proposing in excess of 500 SHI-eligible units, including a 10-story mixed use project almost directly across the street from this proposal, which has a PEL application currently pending before MassHousing. We respectfully refer you to Undersecretary Kornegay's statement in her letter to the Brookline Board of Selectmen dated December, 2016: "...we do understand the Town's concerns regarding the clustering of many projects close together, and we are committed to working with the other Subsidizing Agencies to monitor and, where appropriate, seek greater coordination regarding the issuance of PELs for projects within Brookline.

The proposed project is untenable and cannot be mitigated. It is an affront to the Town of Brookline and to the stated purpose of Chapter 40B. The sentiments contained herein were expressed at a public hearing conducted by the Board of Selectmen on January 31, 2017. Written comments are attached.

In light of the above, the Board of Selectmen respectfully requests MassDevelopment deny this application based on the outrageously inappropriate size, massing and scale. While the Board is hopeful that MassDevelopment will recognize the offensive aspects of this proposal and deny Chestnut Hill Realty's application for a PEL, we are providing a list of errors that should be rectified as well as basic additional information that should be included in any Comprehensive Permit application relative to this proposal in case you see fit to disagree with the Board of Selectmen's position and actually issue the PEL.

It is our hope and expectation that MassDevelopment will acknowledge the extent to which this proposal represents a blatant disregard of the guidelines set forth in your Handbook as well as the very essence of 40B. A denial will provide the Town with an opportunity to work with the developer without the threat of a 21-story building looming over its efforts to redevelop this parcel in a "coordinated and orderly" manner, as promoted by Chapter 40B. We are hopeful that we can create a project that represents a public-private partnership that is based on sound planning principles that focuses on mixed use transit oriented development that includes market and affordable housing.

Thank you for your consideration.

Sincerely,

Neil A. Wishinsky, Chair  
Board of Selectmen

Attachments

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### CORRECTIONS AND ADDITIONAL INFORMATION TO BE REQUIRED FROM THE APPLICANT

MassDevelopment should request that the Applicant provide an updated and corrected PEL application that addresses the following:

- Both the Waldo and Durgin garages are listed in the National Register of Historic Places. Therefore, the Applicant's response to the question "*Is the site or any building thereon listed, nominated or eligible for listing on the National Register of Historic Places*" is inaccurate.
- Correct the map/block/lot information and the street address on the Project Eligibility Application. The Town is concerned that if this project moves forward, all applicable reviewing agencies must be adequately notified on which parcels are under review as part of this project. For example, the application lists Assessors information as "Map 45, Lots 1, 2-1, 11"; the Town maintains that this listing should read "Map 9, Block 45, Lots 1, 2-1, 11." Additionally, the address listed is "8-10 Waldo St."; however the Town asserts that the address should read "5 Waldo St., 10 Waldo St., 16 John St., and 10-18 Pleasant St."
- Provide an accurate presentation of the heights of buildings in the "immediate" area. The diagram on page 37 to justify the proposed 21 stories is grossly misleading. Some of these buildings are more than a half mile from the site and outside of the Coolidge Corner commercial district. Consistent with the Town's request to DHCD regarding the pending 1299 Beacon Street PEL application, the Town requests MassDevelopment use a legitimate context map in its evaluation of this application. As the guidelines state "*the Subsidizing Agency must give particular attention in reviewing the Project to the matters that relate to how the Project site plan and design relates to the existing development patterns of the immediately surrounding area*", not "...of the area within a one mile radius of the site" as offered by the developer's application (emphasis added).
- Provide proof of site control over Waldo Street, a private right-of-way used by other property owners. Obviously Waldo Street is a critical element of the proposal.

Further, the Board requests that if MassDevelopment issues a PEL based on the proposed or a modified proposal, the Applicant be formally directed to address the above issues and submit the following information prior to or as part of a Comprehensive Permit application to the Town's Board of Appeals:

- A 3D model showing the proposed and abutting buildings
- A site plan showing abutting buildings with setbacks of the proposed building to its property lines and to abutting buildings and all easements
- Site sections through the building
- A comprehensive traffic, parking and circulation narrative and study, including: the impacts that this project will have on circulation and the availability of existing on-street parking in the immediate area, and the proposed distribution of parking spaces for residential and retail uses. The Town strongly recommends that, prior to initiating the traffic study, the Applicant and its traffic engineer discuss the scope with the Director of

## 14. - 7

Engineering and Transportation. At a minimum, any traffic study of this area must take into account the impacts of a fully operational Devotion School, the nearby elementary school currently under construction.

- All documentation relative to the environmental status of the property particularly in light of the fact that it has been a garage and continues to serve as an auto repair facility
- A comprehensive shadow study
- A comprehensive wind study
- A staking on the lot of the building's footprint to illustrate its size and setbacks
- A narrative explaining the proposed loading and delivery scheme
- A narrative regarding trash/recycling pick-up
- A storm water and drainage report, the scope of which should be predetermined with the Director of Engineering and Transportation
- A waiver list in tabular form

The Board also recommends that the Applicant meet with the Fire Chief as soon as possible to identify and address any fire safety issues.

# 14. - 8

## STATUS OF PROJECTS IN COMPREHENSIVER PERMIT (CP) AND PROJECT ELIGIBILITY (PEL) PROCESSES As of February 6, 2017

### APPROVED COMPREHENSIVE PERMITS (CP)

Project	Approval Date	Status	Number of Units
Residences of South Brookline (Hancock Village)	2/18/16	Stayed. Units removed from SHI. Status of CP dependent on action by Town Meeting & potential resolution of litigation.	161
21 Crown (Crowninshield)	3/8/16	Units on SHI. If Building permit is not issued by 3/8/17, units will be deleted from SHI and will have to be reinstated at a later date.	8
40 Centre Street	1/3/17	Units eligible for SHI. Planning Staff to monitor.	40
420 Harvard Street	1/23/17	Units eligible for SHI. Planning Staff to monitor.	25

### PENDING BEFORE ZBA

Project	Public Hearing Close Deadline	Status	Number of Units
Puddingstone	8/27/17	On hold. Public Hearing continued to July 27, 2017. Status dependent on action by Town Meeting.	226
1180 Boylston Street	3/6/17	In process. Next ZBA hearing: 2/7/17	45
384 Harvard Street (JCHE)	8/12/17	In process. Next ZBA hearing: 2/13/17	62
111 Cypress Street	10/6/17	In process. Next hearing 3/29/17 for discussion of impact analyses and peer reviews	99

### PENDING BEFORE SUBSIDIZING AGENCY

Project	Est. Earliest Decision by Subsidizing agency	Discussion of Potential Timing of Hearing Opening	Number of units
455 Harvard Street	Any day	May defer until 4/1/17, but recommend earlier to spread the administrative burden on ZBA/staff.	17
1299 Beacon Street	2/20/17	4/1/17—unless 3 hearings (plus Puddingstone) are open, in which case hearing opening may be deferred.	74
Babcock Place	Any day	Open when 111 Cypress is closed, but no later than 12/31/17—unless Puddingstone is withdrawn (which would happen if a building permit is issued for the Hancock Village Revised Plan.)	72
The Coolidge	2/27/17	Anticipate extension from applicant until after Fall Town Meeting at which time CP application will either be withdrawn or exercised. If it is exercised, then the hearing would open prior to 12/31/17 if there are not 4 pending cases. Regardless, would open by 1/1/18.	320







**OFFICE OF THE TOWN ADMINISTRATOR  
MEMORANDUM**

**TO:** Board of Selectmen  
**FROM:** Melvin A. Kleckner, Town Administrator  
**RE:** Sanctuary City Statement  
**DATE:** February 7, 2017

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At our most recent meeting, the Board considered a Statement to clarify the Town's status as a "Sanctuary City" and to address the Town's response to recent federal immigration enforcement policy. A draft of a Statement prepared by Selectman Greene has been further modified by Selectman Franco. Please find attached a red lined and clean version of this latest draft.

Thank you for your consideration.

cc: Lloyd Gellineau, Director, Department of Diversity, Inclusion and Community Relations

**DRAFT**

**DRAFT STATEMENT OF THE BOARD OF SELECTMEN  
January 31, 2017**

The Brookline Board of Selectmen is deeply concerned by the Trump Administration's recent statements and immigration policy changes. While the Board, along with the rest of the world, continues to try to understand the implications of the administration's unprecedented actions, we wishes to reaffirm Brookline's status as a Sanctuary City and to express our support for the health, safety, and well-being of all Brookline residents, regardless of immigration status.

~~The Brookline Board of Selectmen wishes to reaffirm Brookline's guiding moral principles as they relate to the people who have been targeted by the President's executive orders while we, along with the rest of the world, are still trying to understand what the Trump administration's unprecedented actions mean.~~

Brookline's Board of Selectmen ~~These principles require that we affirm our support for~~ strives to protect the safety and well-being of all Brookline residents and visitors, regardless of immigration status, by supporting and offer the support of the Town for the health, mental health, well-being, safe haven, and sanctuary of refugees and immigrants, whether documented or not, refugees, and others who are or may become the target of future executive action by the Federal government. We also proclaim believe that the actions by of the Federal government in targeting and denigrating immigrants and refugees, which has created an atmosphere of fear and hatred in the country and, potentially, in Brookline, and, that attacks on immigrants and refugees must be and will be resisted and combated by all legal means. We further reaffirm our support for the sentiments expressed in Town Meeting's Warrant Article XX voted at the November, 1985 Town Meeting and Warrant Article XXX voted at the November 2006 Town Meeting concerning safe sanctuary in Brookline for immigrants and refugees from all countries regardless of their immigration status.

~~The recent developments in Washington by the new administration portend over a policy of zealous enforcing enforcement of the existing immigration laws in an overreaching manner, possibly, and in violation of the Constitution and the laws of the United States, including~~

~~international treaties respecting immigrants and refugees, which are part of United States Federal law, and undoubtedly in violation of long established American moral principles. The likely aggressiveness of the new administration's action is evidenced by its~~ The new administration threat to also threatens to illegally commandeer local local governments and police forces to perform immigration status checks and enforce immigration laws acts with respect to immigration that are solely the responsibility of the Federal government. In response to these developments:

- The Board of Selectmen has initiated a review of the Police Department's policies as they relate to responding to varying types of requests for assistance by U.S. Immigration and Customs Enforcement. The Board has elected to solicit the input of the Town's Commission on Diversity, Inclusion and Community Relations by asking the Commission to review the current policies and to recommend any changes it believes warranted, especially changes related to the police department's interactions with ~~by developments at the Federal level with respect to immigrants and refugees.~~
- ~~The Board of Selectmen also hereby directs all Town officials and employees to make available Town services and resources~~ will be made available to in support provide for ~~of~~ the health, mental health, education, shelter, sustenance, and well-being of all of our residents and visitors, including immigrants, irrespective of their legal status, and refugees; ~~and that~~ no actions against any person within the Town of Brookline shall be based solely on that person's status as an immigrant or refugee; ~~and that~~ no Town employee shall ask for information on the immigration status of any person unless reasonably necessary for the provision of services by Town employees.
- The Board of Selectmen ~~also~~ directs Town Counsel to work with other towns and cities to develop ~~affirmative~~ legal strategies and defensive legal measures to protect ~~these responses by the Town~~ actions and to defend against any punitive measures undertaken by the Federal government against state and local governmental entities.

- The Board of Selectmen further request of Brookline civil society, including houses of worship, service organizations, political entities, nonprofit organizations, educational institutions, and individuals, ~~that they~~ (1) learn about, (2) provide support, welcome, safe haven, and sanctuary to, and (3) help integrate into the fabric of our community, all resident or visiting immigrants, irrespective of their legal status, and refugees.

DRAFT

**STATEMENT OF THE BOARD OF SELECTMEN  
February 7, 2017**

The Brookline Board of Selectmen is deeply concerned by the Trump Administration's recent statements and immigration policy changes. While the Board, along with the rest of the world, continues to try to understand the implications of the administration's unprecedented actions, we wish to reaffirm Brookline's status as a Sanctuary City and to express our support for the health, safety, and well-being of all Brookline residents, regardless of immigration status.

Brookline's Board of Selectmen strives to protect the safety and well-being of all Brookline residents and visitors, regardless of immigration status, by supporting the health, mental health, well-being, safe haven, and sanctuary of refugees and immigrants, whether documented or not. We believe the actions of the Federal government in targeting and denigrating immigrants and refugees has created an atmosphere of fear and hatred in the country and, potentially, in Brookline, and that attacks on immigrants and refugees must be resisted and combated by all legal means. We further reaffirm our support for the sentiments expressed in Town Meeting's Warrant Article XX voted at the November, 1985 Town Meeting and Warrant Article XXX voted at the November 2006 Town Meeting concerning safe sanctuary in Brookline for immigrants and refugees from all countries regardless of their immigration status.

The recent developments in Washington portend overzealous enforcement of existing immigration laws, possibly, in violation of the Constitution and the laws of the United States, and undoubtedly in violation of long established American moral principles. The likely aggressiveness of the new administration's action is evidenced by its threat to commandeer local police forces to perform immigration status checks and enforce immigration laws that are solely the responsibility of the Federal government. In response to these developments:

- The Board of Selectmen has initiated a review of the Police Department's policies as they relate to responding to varying types of requests for assistance by U.S. Immigration

and Customs Enforcement. The Board has elected to solicit the input of the Town's Commission on Diversity, Inclusion and Community Relations by asking the Commission to review the current policies and to recommend any changes it believes warranted, especially changes related to the police department's interactions with immigrants and refugees.

- Town services and resources will be made available to provide for the health, mental health, education, shelter, sustenance, and well-being of all of our residents and visitors, including immigrants, irrespective of their legal status, and refugees; no actions against any person within the Town of Brookline shall be based solely on that person's status as an immigrant or refugee; and no Town employee shall ask for information on the immigration status of any person unless reasonably necessary for the provision of services by Town employees.
- The Board of Selectmen directs Town Counsel to work with other towns and cities to develop legal strategies and defensive legal measures to protect Town actions and to defend against any punitive measures undertaken by the Federal government against state and local governmental entities.
- The Board of Selectmen further request of Brookline civil society, including houses of worship, service organizations, political entities, nonprofit organizations, educational institutions, and individuals, (1) learn about, (2) provide support, welcome, safe haven, and sanctuary to, and (3) help integrate into the fabric of our community, all resident or visiting immigrants, irrespective of their legal status, and refugees.



**Board of Assessors  
(As of 2/3/17)**

**MEMBERS:**

Gary McCabe, Chairman.....Term expires 2016 (Seeking re-appointment)

Harold Peterson, Vice-Chairman.....Term expires 2017

Mark Mazur, Clerk.....Term expires 2018

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Available Seats: 1

Vote to be taken on 2/7/17:

Reappoint the following:

Gary McCabe



**Planning Board  
(As of 2/7/17)**

**MEMBERS:**

Linda Hamlin, Chair.....Term expires 2018

Robert Cook.....Term expires 2017

Mark J. Zarrillo.....Term expires 2017

Blair Hines.....Term expires 2019

Matthew Oudens.....Term expires 2019

Steven Heikin.....Term expires 2020

Sergio Modigliani.....Term expired 2016 (not seeking reappointment)

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Available Seats: 1

**Recent Activity:**

Susie Roberts (Interviewed on 10/18/16)

Ben Olson (Interviewed on 12/13/16)

Alan Mountjoy (Interviewed on 1/31/17)





**Transportation Board  
(As of 2/7/17)**

**MEMBERS:**

Josh Safer, Chair.....Term expires 2017

Gustaaf Driessen.....Term expires 2016 (Not seeking reappointment)

Christopher Dempsey.....Term expires 2018

Scott Englander.....Term expires 2017

Ali Tali.....Term expires 2018

Pamela Zelnick.....Term expires 2016 (Seeking reappointment)

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Available seats: 2

**Seeking Reappointment:**

Pamela Zelnick (Incumbent, to be interviewed 2/7/17)

**Seeking Appointment:**

Jonathan Kapust (Interviewed 1/24/17)

Judith Kidd (Interviewed 1/24/17)