ARTICLE 16

X ARTICLE

Submitted by: Select Board

To see if the Town will

authorize the Select Board to enter into any necessary agreement(s) and/or amendments to existing agreements or other action(s) required to carry out the terms and conditions set forth in that certain Memorandum of Agreement, between the Town of Brookline (hereinafter referred to as the "Town") and the Pelham-Pleasant Trust, with a principal place of business at Nordblom Companies, 71 Third Avenue, Burlington, Massachusetts 01803 and related entities, their successors and assigns (hereinafter collectively referred to as "NORDBLOM"). NORDBLOM owns or controls the parcel of land commonly referred to as 26 Pleasant Street in Brookline, Massachusetts (said properties being collectively referred to herein as the "Site" or the "Property"), as further described in the legal descriptions below, and all in connection with a proposed development including: a residential building (the "Residential Building") which may include both above and below grade structured parking (hereinafter collectively referred to as the "Project"); as further described below, said Memorandum of Agreement to include the following terms at a minimum:

1) requiring NORDBLOM to not object to certain conditions of the Special Permits and/or Site Plan Approvals related to the Project, including:

a) all buildings shall be fossil fuel free;

b) for the Residential Building, parking fees must be separate (unbundled) from any rental, lease, sale, employment, contract, or other arrangement; and

c) the first floor will be designed with floor-to-floor heights of at least 15' to accommodate potential commercial uses.

2) requiring NORDBLOM to mitigate construction impacts to public sidewalks, street curbs, street pavement, trees and landscaping with the approval of and in coordination with the Town's Department of Public Works;

3) requiring NORDBLOM and the Town to enter into an Agreement for the upkeep of the landscaping and associated features on Town-owned property adjacent to the Site and extending to the curb-line, including snow removal and lawn and tree maintenance;

4) requiring NORDBLOM and the Town to enter into an Agreement securing mutually-agreed upon public benefits, such as improvements to nearby public property;

5) requiring NORDBLOM will permit Town-sponsored programs, including but not limited to the Coolidge Corner Library, to utilize any proposed event/meeting room up to six times a year for free or a nominal charge for cleaning; and

6) requiring that said Memorandum of Agreement be recorded in the chain of title.

The legal descriptions of the parcels for the Site are set forth in Exhibit B to the Memorandum of Agreement, copies of which shall be available at the Select Board's Office and on file with the Town Clerk.

The legal descriptions of the proposed zoning amendment and related articles are set forth in Exhibit C to the Memorandum of Agreement, copies of which shall be available at the Select Board's Office and on file with the Town Clerk.

or act on anything relative thereto.

PETITIONER'S ARTICLE DESCRIPTION

This Article, if approved, will authorize the Select Board to enter into and/or amend as necessary any new or existing agreements so that the Town receives the full benefits and protections set forth in a Memorandum of Agreement pertaining to a proposed development at the site described as 26 Pleasant Street in Brookline.

A draft of the Memorandum of Agreement will be included in the Combined Reports. While the exact language is still being negotiated, the anticipated terms are summarized in the article, as well as additional terms to be negotiated by the parties, will be reflected in the aforementioned draft.

Reading the longer explanation for the related Pleasant Street Multifamily Overlay District Zoning Article will be helpful to understand how this article works in concert with other related articles.

It is the intention of the Select Board to have the agreement executed far enough in advance of Town Meeting so as to allow Town Meeting Members to review its terms prior to voting on the series of warrant articles related to this site. Copies of said Memorandum of Agreement will be available at the Select Board's Office.