



Building a Better Brookline

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Cliff Brown
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Alan Christ
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Kenneth Lewis
Carol Levin
Thomas Nally
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Donald A. Warner

Meeting Minutes January 7, 2019

EDAB Members Present: Paul Saner (Co-Chair), Cliff Brown, Derrick Choi, Alan Christ, Susan Houston, Ken Lewis, Carol Levin, Tom Nally, Marilyn Newman, Al Raine *EDAB*

Members Remote Participation (by Phone): Anne Meyers (Co-Chair) and Don Warner

Staff: Kara Brewton, Alison Steinfeld

Materials Presented: Agenda (1/7/19), Revised Draft Meeting Minutes (12/3/18), Newbury College reference materials from Ken Lewis (1/5/19), Inclusionary Zoning Information Packet from Roger Blood (12/12/18)

Members of the Public: Select Board Members Chair Neil Wishinsky, Ben Franco, Nancy Heller, and approximately 12 residents

Paul Saner opened the meeting with a quorum of EDAB members physically present. Don Warner and Anne Meyers joined on conference call due to geographic distance, and Kara Brewton reviewed the remote participation checklist.

Discussion about Newbury College Closing Announcement

Cliff Brown opened the discussion and invited Select Board Chair Neil Wishinsky to give an introduction. Neil noted that:

- the current use is non-conforming to our zoning. Unless another use subject to Chapter 40A's "Dover amendment" were to purchase the property, our zoning would restrict what a developer could do at the site.
- Newbury's process includes first and foremost, focusing on the students. Under the Secretary of Higher Education, they must come up with a "Teach Out Plan", which maps what will happen to each student at the college. With 30 academic programs, this is complicated. Newbury is interested in doing this the right way, and their process may be a model for other colleges. This Teach Out Plan is close to being accepted by the state.
- Newbury's Articles of Organization addresses the dissolution of the organization. After debts are paid, assets should be conveyed to one or more colleges/universities or engage in a "cy pres" process, where the court determines where the assets go, or where the money from those assets goes, to meet the purpose of the organization.
- The donors' intents also have to be aligned, which is overseen by the Attorney General's Public Charities Division.
- The Board of Trustees are in the process of engaging a broker now.
- Brookline Bank holds a mortgage on the property.

Neil will be meeting with a member of the Board of Trustees and the Bank President this week. He expects some things will happen quickly and other parts of the process will take some time. We, the Town, need to

decide the desired outcome. For example, do we want to own a portion of the property? On the western side of Fisher Ave., for example, includes the Academic Center and Library, which is approximately 3 acres. He would like to hear from EDAB how the Town should surround the problem and define what the desired outcome should be.

Ken Lewis reviewed his background materials for Newbury College. Different sources note the college campus as being between 7.6 and 10 acres in size. The buildings are a range of eclectic styles and wide range of building age. There are dramatic grade changes, and some properties do not appear to be in very good condition. The existing buildings do not seem to retrofit easily into any single non-academic use. There are odd circulation patterns between the Mitton Building and the student center. The campus' parking ratio is approximately 1.8 space per thousand square feet, which is low compared to traditional parking ratios for other uses. As to whether the site could easily be converted in to an elementary school, many people seem to think the answer is no.

Cliff Brown noted that his initial reaction was that this was a great opportunity, and that perhaps some of the buildings on the campus could be spun back into single family home use. He thought there were some municipal uses that could be accommodated if we wanted to and noted that we would want to control the rest of the site with regards to any redevelopment. He thought it would make sense for some of the land to become income-producing with regards to property taxes. The current pilot payments are miniscule and reportedly not in writing.

Some discussion followed about what the Town could do as a municipality, which Neil clarified:

- We didn't need to specify a particular municipal use before purchasing the site.
- The most important technical hoop would be a 2/3 vote at Town Meeting and then to find the money to buy all the parcels.
- Yes, we could purchase all the land and then at some later date dispose of property, which would require an additional vote at Town Meeting. Al Raine wondered whether we would also need the permission from the state legislature to change the use from municipal use and dispose of property?
- Unclear how easy it would be to team up with a private party to submit a joint bid; the advice given so far was to keep it simple
- We would probably be able to lease land once purchased for private purposes once it was declared not needed.
- Alison Steinfeld also noted that Town Counsel has not had a chance to study these questions in depth. She noted that if we were to acquire the property by eminent domain, it might be tougher to dispose of the land constitutionally. She also noted that the 30B process might take longer than an eminent domain process by a couple months.

Neil noted the biggest question to figure out is whether we are interested in the property; the rest are tactical questions. Discussion amongst EDAB members included the following thoughts:

- The Major Parcel Study has a chart of uses of properties, including Newbury College, that would fit the various Town needs identified in the Strategic Asset Plan
- Boston College and Boston University have said in the media that they are not interested in the land.
- Recall how surprised the neighborhood was when the Church of Latter Day Saints purchased property. Another Dover-type use may be interested in this site, which is why it is so important for the Town to control this property.

Regarding finances:

- Neil noted that we already had \$550 Million of school improvements which were not in the budget yet, that we will need an operating override, that we would likely need an additional vote for debt exclusion for this site.
- Cliff Brown noted that the wording for the previous debt exclusion vote for the high school did not specify a particular amount, and therefore the Town could potentially purchase this property using the authorization of that previous vote. Select Board Member Nancy Heller pointed out that strategy would not align with what the voters had anticipated with their vote.

- Ken Lewis stated that using the cluster provisions of the town's Zoning By-Law, housing could be built at 3.5 to 6 units per acre. The Town can create value using zoning, which then might help offset any purchase price.
- Neil noted that if we could use the property for uses where we are currently renting space, then we could offset some of that financial drain.

Regarding potential competing buyers:

- George Cole noted that the process was moving forward quickly. The marketing package would likely be put together by March. It would be important for the Town to be clear about: whether the Town would like the land in total or partially, for a specific existing building or for the land, etc. He also warned that private entities could close quickly, and that the best sale as far as a broker is concerned would likely be another Dover use. For the Town, another Dover use is likely the worst outcome.
- Alison Steinfeld noted that developers might be interested in a 40B development. Carol Levin wondered whether there were 40B permit holders that we would rather see develop here at this site in lieu of our commercial districts. With regards to the Town's "safe harbor" status, Alison clarified that we would likely be able to remain in safe harbor for 10 months, and that we would then be susceptible to new 40B applications. Al Raine noted that a residential development would need to be pretty dense to compete for the assessed value.

Regarding value of the property:

- Ken Lewis noted that the existing buildings couldn't be reused easily
- Cliff Brown wondered whether the market value is less than the appraised value
- Carol Levin agreed that perhaps the highest value is for the land.

Regarding the desired outcome:

Neil noted that his instinct was that we want to control and buy some or all of the land, somehow. He wondered whether it might be helpful to have a group of people to lead the Town through this process. Tom Nally also noted that this group could also help define the scope for consultant services. Neil Wishinsky agreed, and noted that they would be going to the Advisory Committee for a reserve fund transfer request. Paul Saner noted that legal analysis also needed to be firmed up, that the Town should have a laundry list of needs already identified, including other uses like affordable housing.

Cliff Brown then opened up the discussion to the audience.

- John Harris thought the property could be used immediately for classes for our public schools' overcrowding problem. This purchase could buy us time with regards to school population estimates and could even "slow walk" the Oak Street purchase. Neil Wishinsky disagreed about the Oak Street purchase, as that process was already underway. He also noted that School Superintendent Andrew Bott walked through the buildings and thought major work would be needed for either temporary or permanent school use. Cliff Brown noted that the buildings were built for higher education purpose, not public school purposes. Alan Christ wondered whether the buildings could be used for other non-traditional classroom space, such as the Brookline Early Education Program (BEEP).
- David Trietsch recommended a masterplan process at the same time as some of these other tasks were commenced, such as the legal questions.
- Carla Benka noted that the Major Parcel Study recommended negotiating right-of-first refusal. However, Cliff Brown thought that would require significant funding, all of which would be "at risk." He would rather the Town just purchase the land.
- Regina Frawley noted that the Town was part of a regional commitment to provide more housing. The Town's land area will remain constant; therefore, we need to go up in height, whether we like it or not. This site is an opportunity for all of the school population growth, a "one and done" opportunity.

- Pam Lodish thought we should try and buy the property now and figure it out later. It took 10 years to purchase the state reservoir property and figure out what we wanted, and that was OK.
- Steve Heikin agreed that the Town should move forward towards purchasing the property, and also look at parceling some of the property, especially the portion of land that faces Hyslop Road.
- Ken Goldstein, nearby resident, suggested looking at the recent Olmsted development model, which includes a mix of Town uses, denser residential uses, some single-family uses. He also noted that municipal uses could include an outdoor swimming pool or other recreation use.

Cliff then returned the conversation to EDAB Board members, recommending the following to the Select Board:

1. Need a group of citizens to meet quickly and present information to the Select Board regarding the potential acquisition by the Town of all or part of the Newbury College land.
2. Information needed
 - a. Understand value – not the assessed value but the market value, particularly the sales price which may result through an auction process. Given the specialized current use of the property and the current zoning constraints (S-15 & S25) what is the most likely value? Understand the value under potential alternative zoning classifications and how that will shape competing bids. Probably need to work with a broker.
 - b. Identify uses that the Town wants and explicitly and publicly state any uses that the Town will not accept at the site. There are three types of potential uses:
 - i. Public benefit/ ownership - direct municipal purposes
 - ii. Public benefit/ private ownership use (e.g., affordable housing)
 - iii. Private benefit/ownership (Town's benefit fiscal). For example:
 1. Residential analysis under existing zoning
 2. Senior housing/ assisted living
 - iv. Need to distinguish between long term and interim potential uses by the Town.
 - c. The Town's legal rights and limits in-regards to:
 - i. Acquisition and Financing Process
 - ii. Rezoning
 - iii. Further Subdivision or reconfiguration of parcels
 - iv. Disposition of individual parcels
 - v. Ability of the Town to enter into long term ground leases with developers or end-users for all a portion of the site
 - d. Existing Conditions - cursory analysis of existing buildings. See if Newbury or Stantec has back-up information of the condition of the existing buildings that perhaps was done the same time as the Stantec Master Plan.
 - e. Related questions for the Newbury College Board of Trustees
 - i. Do they have a fiduciary responsibility to sell the parcels for the highest price?
 - ii. Do they have something in mind that they'd like to see as the outcome – could be highest value (price plus something else)
 - iii. Understand the potential role of the Attorney General's office in the liquidation of the college's assets.
 - f. Process of land sale – would be good for Town to better understand Wellesley College parcel sale to Town.
3. Estimated Timeline
 - a. End of Jan – broker would be on board
 - b. Early March - first bids due
 - c. Early July – closing of land sale

Discussion about proposed Inclusionary Zoning By-law Revision (Housing Advisory Board)

Roger Blood reviewed guiding principles and objectives of the proposed revisions to the Inclusionary Zoning By-law:

1. It is time to look at inclusionary zoning again now that we're close to a post - 40-B world, for either Spring or Fall 2019 TM.
2. Keeping it simple – we do not have a lot of staff to administer inclusionary zoning (like Boston has), to negotiate each deal.
3. Housing Trust Fund revenue – Roger gave an example of how revenue may be preferable in lieu of some on-site units, as recently negotiated for the Waldo Durgin site as part of the work by the Coolidge Corner Study Committee. The fund has raised \$12 Million and deployed \$9 Million towards affordable housing projects.
4. There are different income range targets for owner-occupied vs. rental housing.
5. Primarily looking to increase revenue from for-profit sponsored new housing
6. Density bonuses – want to encourage density bonuses on a case by case basis, but do not want to not be prescriptive about that generally.

Exhibit 2 – The Housing Advisory Board (HAB) is particularly good at using the Affordable Housing Trust funds as the 'last dollar in' following state/federal subsidies being utilized towards the construction of new affordable housing units. The main source of funding has been from smaller projects, which are typically not professionally managed (6-15 units). HAB wants to continue the idea of having a sliding scale depending on size of project, as graphically shown on Exhibit 2A. The percent here represents sale price for condos, otherwise assessed valuation. HAB has seen a lot of development on the smaller scale, and it is the projects of 2-4 units that we want to capture. HAB also wants to redefine the minimum size more aggressively as not new units, but the number of units in the "project", as described in Option B.

Exhibit 3 – HAB wants to differentiate the target for owner-occupied vs. rental projects; don't want developer to "game" the system. The market and the cost of projects are different for owner and rental projects, therefore the subsidy should be differentiated as well for onsite requirement of housing.

Roger then offered to answer any questions from EDAB members and the public.

- Al Raine responded that he liked the proposal; that it was well-constructed logic.
- In response to a question, Roger noted that the fee rates are to be determined. HAB will be soon asking Pam McKinney (financial consultant) to see if a 19-unit project has the same cost as the on-site cost as a 20-unit project, and to check for fee rate that keeps projects feasible.
- In response to Ken Lewis' question, Roger noted that for units targeting the 100-110% area median income (AMI), the affordable rent isn't that much below the market.
- Linda Olson Pehlke (LOP) asked whether HAB is considering increasing the percentage of on-site units required; for example, Cambridge requires 20%. Roger said that they would consider it, if recommended feasible by Pam McKinney. He also noted that the new financial equivalent per unit will cost developers significantly more than our current standards. Also, we was not sure about Cambridge, but noted that for example, Boston has different rules for different neighborhoods as a starting point: where the core of Boston requires 18% affordable units, and the outer neighborhoods 13%.

- LOP noted a lot of activity of single-family homes being converted into 2-3 family units and 2-family units being converted to condominiums. Some individuals are making a large profit, and she thinks HAB should think about a contribution even at a lower project size. An analysis should be done to see how many projects increase the total number of units and fall below the subsidized housing requirement. Roger responded that is something they can look at but has the sense that they are already considering an aggressive shift.
- In response to why projects requiring onsite units is proposed to be increased to 19, Roger noted that they were looking to get more projects to produce funding towards the Affordable Housing Trust from for-profit developers. HAB can leverage by 3-5 times the number of units produced through AFH Trust funds than on-site units constructed by for-profit developers.
- In response to asking how HAB advertises the potential use of the AFH Trust funds, Roger noted that the Town has relationships with mission-based developers, and are sure to keep them on notification lists regarding projects the Town issues Request for Proposals.

Paul Saner noted that this proposed change is applicable to the Housing Production Plan, in conversations about the Waldo-Durgin site, and as EDAB and HAB look to work on more mixed-use projects together.

Roger Blood also noted that they will be looking for support from EDAB once they were ready to submit the article to Town Meeting.

December EDAB meeting minutes approved unanimously, as amended

Note that Don Warner & Anne Meyers had hung up by that point.

Staff Updates

Tom Nally noted that the Boylston Street Corridor Study was having an Open House next week for Boylston Street to expand participation, and that he or Trevor Johnson would forward the flyer to all the EDAB members.

Kara Brewton noted that EDAB Co-Chairs, Debbie Miller (Chamber of Commerce Executive Director), and she have had conversations recently about the pop-up industry, including some very good advice by Emily Isenberg of Isenberg Projects. Isenberg Projects is the source of many of the recent pop-up projects and headlines in the Boston area, and her business location is here in Brookline.

If EDAB members continue to be interested in how the Town might encourage more pop-ups in Brookline, Kara suggested they first spend some time thinking about what the specific objectives of such a program might be. Ken Lewis noted that he had always thought of pop-ups as the seasonal demand formats, such as the Halloween or Holiday shopping stores. However, he notes that The Street and the Saunders group have found value for a more permanent, rotating set of pop-up stores within their commercial portfolio.

Kara gave some example objectives which might lead to very different next steps by EDAB members: for the resident or business community to feel better about their community; for landlords to try out independent businesses; for landlords to try out different lease structures that are less risky for forming businesses (e.g., a percentage of sales in lieu of a set rent, a shorter term lease); more activity for residents to enjoy; headlines that put commercial areas in the media more frequently; providing an incubator space for new businesses. Derrick Choi stated he thought providing an incubator space for new businesses was the most important objective. Paul Saner said that he would send around recent articles including the Globe regarding pop-ups to everyone on EDAB.

Meeting adjourned.