Zoning By-Law Committee Meeting Minutes  
February 20, 2019


Staff present: Kara Brewton, Trevor Johnson, Karen Martin

Materials presented: Short-term rental presentation, Waldo-Durgin presentation, inclusionary zoning handouts

Minutes

Neil Wishinsky opened the meeting at 7:05PM.

Short-Term Rentals

Trevor Johnson of the Planning Department gave a presentation on a draft warrant article regulating short-term rentals in Brookline. The warrant article was drafted in reaction to recently-passed state regulations that will allow the Town to regulate short-term rentals and collect taxes on those units.

Paul Saner asked if single-family residents are exempt from the 3% local impact fee. Trevor responded that is correct, under the state regulations. Paul also asked if the Town could simply add onto the state’s registration process rather than having to create our own separate registration procedure.

Ken Goldstein asked about the proposed inspectional standards and what they would be and raised concerns that inspecting all short-term rental units seemed particularly onerous.

Roger Blood asked where Accessory Dwelling Units (ADUs) would fit into this and noted that a future zoning amendment allowing ADUs for single-family homes is currently in process. He questioned how this framework would prevent accessory dwelling units from being rented out as short-term rentals. Paul stated that he thought Brookline was waiting for state ADU legislation to pass before moving ahead on that front.

Lynda Roseman stated that her concern is that this framework is too permissive. She questioned how you would enforce whether an owner is home or away from their unit at any given time and felt that allowing three condos or apartments in a given building seems like way too many.

Ken stated that he disagrees. He stated that most condos have updated their documents to prohibit short-term rentals (STRs) but that not all condo associations may feel the same way people in this room do. He stated that his main concern would be the building inspections and the burden of building code requirements on short-term rental hosts.
A resident asked about the 14 day exemption and stated that his objection is to the transient nature of the use.

Jason Wachetner asked about the 182 nights per year limit. He stated that he believes the more restrictions that are put in place, the less transparent hosts will choose to be.

Roger asked questions about the difference between the state tax and the fee and stated that fees are intended to balance out incurred expenses on administration. He also added that this framework would empower condominiums to find violators to enforce their documents.

Linda Olson Pehlke asked about insurance requirements and about the timeline for the state to pass regulations that accompany the legislation. Roger added that he feels the Town should wait until the state passes its regulations.

Roger raised the concept of limiting STRs to certain zoning district.

Linda Olson Pehlke stated that she would like to see a more careful discussion of this process.

Cliff asked what would happen if the Town did nothing at this time. He questioned whether the Town should wait or should it pass this version and collect information.

Phil stated that he thinks this is well thought-out. Paul agreed and complimented Trevor for the well thought out framework. Phil also suggested a requirement that contact information be posted for complaints to unit hosts.

Neil suggested putting a limit on the number of days permitted in each of the boxes in the matrix.

Roger stated that the Housing Advisory Board (HAB) will be advocating for the 3% Community Impact Fee to go towards the Housing Trust. He asked if this would be the right time to advocate for the 35% of the 3% to go to affordable housing.

Waldo-Durgin Proposal

Kara Brewton, Director of Economic Development, gave a presentation discussing the proposed zoning change to the Waldo-Durgin property to create a mixed-use development with a hotel, residential and commercial.

Roger discussed the inclusionary zoning component for on-site affordable units. Ken asked if these will be at 80% or 100% AMI; Roger responded that the on-site units will be at 80%.

Linda Olson Pehlke also discussed the sunset provision of the zoning change that will limit the amount of time into the future that this scheme could be constructed.
Inclusionary Zoning

Roger Blood, chair of the Housing Advisory Board, presented a preliminary proposal for changes to the inclusionary zoning by-law that will increase the types of development that trigger the inclusionary zoning requirement. He presented handouts that showed the proposed changes.

Meeting adjourned.