

ZEAB
Zero Emissions Advisory Board
Minutes

March 23, 2022 10:00 AM

Meeting held remotely on Zoom due to COVID-19

ZEAB Members in attendance: Jesse Gray, Chair, Wendy Stahl, Kathleen Scanlon
Calvin Thompson

Staff: Linda Hickey

Chairman Jesse Gray opened the meeting and welcomed CAB members and the public.

Mike Toffel – Congratulations on New Committee – Greening Electricity policies Looking for clarity in policy statement not just percentage goals, the mechanisms to allow or disallow to achieve the goal Need to be clear on what’s in and what’s out.

Kathleen Scanlon – Hearing on Warrant Article 15 Establish Overlay districts – Like to get feedback to see if we could go in with a friendly amendment. Need to work with Planning Board and others. Not looking to what has already been done. Let’s look at the proposal and get the discussion going.

New provisions were discussed Specific language

(Kathleen’s Screen Share) attached.

Open up to comments and discussions

Carbon will be effecting everyone but especially low income, minority

John Harris – Do you address cooking in buildings at all?

Kathleen – Cooking Small portions of emission contributing. This is not the most economical choice. Should be focusing on the use.

Labs and Medical facilities working with Economic Development Advisory Board.

Paul Saner- Thanks the members of the ZEAB – Boylston Street has been a significant focus of EDAB for many years. We had hoped this Warrant article could do more around FFF. Applaud ZEAB s innovative for trying to amend this article.

Jesse Grey: This does not modify what right under existing zoning can build. Only regulating when bonus applicable. Want to embrace John's comment "trying to copy Lexington" Maybe make it more broadly.

Kathleen – other communities have done this and included cooking.

Mike Toffel – How is this in scope your argument to the Moderator? Future warrant maybe change the default more stringent requirement. Exemptions would have to be included.

Kathleen – could be applied to special overlay districts.

Jesse – We could make Climate Action far more efficient. Starting to achieve without Warrant Article.

Wendy: Why did we keep **Leed** (SP)? silver?

Kathleen – We will be taking up again for possible recommendation and vote.

Warrant Article 21 Comments

David Lescohier – ZEAB up and running combination of Collins report. More potent committee to deal with higher-level operational level.

Gave a brief refresher about Warrant Article 21 Community.

Community Choice Aggregation – focused on the need for stability, for the need for suppliers and customers. Capacity and quantity quotes. Good Energy knows this. BGE adding a third component Class 1 reqs. Purchasing reqs. Brookline has been a pace setter. Article 21 renews and updates Brookline Green Electricity framework. Insist in Massachusetts renewable reqs. Based upon Goode Energy presentation we should achieve the 100 percent.

John Harris Co-chair of CAB – Spoke of the process that led to Article 21. Goal was 100 % and it is doable at some point in the near future.

David – Needs to be Town Police to BGE program

Public Hearing on Warrant Article 21 closed.

Conditions to remove Warrant Article 21 if Board reconsiders revising March 2nd resolutions specify class 1 req include Board report that explains for Town Meeting, in lude rep of petitioners in the contract process.

Jesse motioned to reconsider the vote of 3/2 consider the request of CAB to modify the language a vote; Wendy moved to vote Kathleen seconded.

The Board voted:

Kathleen – Yes Wendy – Yes Calvin – Yes

Jesse – Yes

Affirmative vote on the modified language before it is. Jesse supports but feels the Warrant needs to be withdrawn now. Jesse explained that he needs to speak to staff 1st and would share if allowed. Staff gives go ahead to accept all conditions

Jesse asked for a motion vote on the new language discussed

Wendy moved to vote Kathleen seconded

The Board voted

Calvin – Yes Wendy – Yes Kathleen – Yes

Jesse – Yes

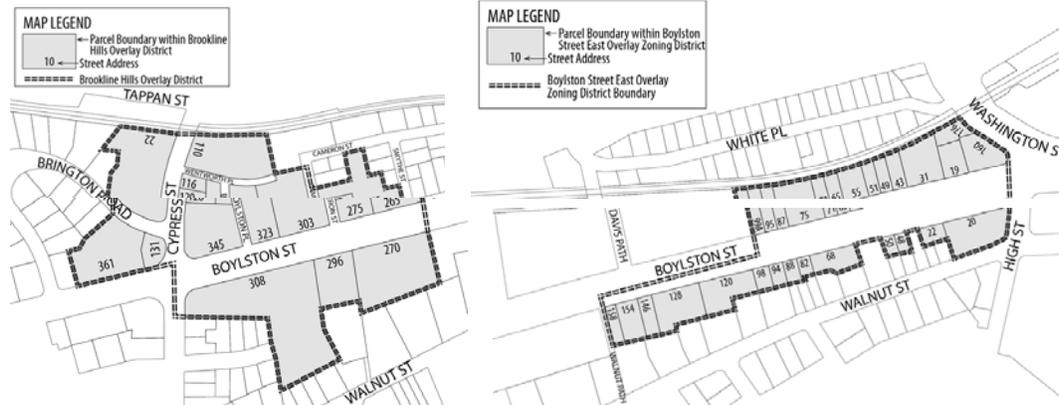
Jesse: “Congratulations to petitioners this is the beginning of a great new collaboration”.

The meeting adjourned at 11:00 a.m.

Second DRAFT – ZEAB 3/23/22

Amendments and section numbers, §§ 5.06.4(l)(2)(i), (m)(3)(a), and (m)(3)(i) and § 8 are in red.

ARTICLE 15 - (Dept. of Planning & CD) Brookline Hills [and Boylston Street East] Overlay Districts



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

- 1) By adopting the following map change, adding a Brookline Hills Overlay District as shown [above], including: parcels...
- 2) By adopting the following map change, adding a Boylston Street East Overlay District as shown [above], including: parcels...
- 3) By amending Section 2.10, “S” Definitions - to add the following definition and renumber the subsequent definitions of Section 2.10 as necessary:
 - “4. STORY - that portion of a building included between the upper surface of a floor and the upper surface of a floor or roof next above, whether or not such space is enclosed.”
- 4) By amending Section 3.01.4 by adding the following items at the end:
 - “l. Brookline Hills Overlay District
 - m. Boylston Street East Overlay District”
- 5) By amending Section 4.07 – Table of Use Regulations – to allow for certain office, retail and restaurant uses by Special Permit in the Brookline Hills Overlay District, as follows:
 - a) Use 21, Business, professional, or governmental office - Adding “**” after “No” in column “M” and amending the underlined text to the last footnote as follows: “**Permitted by special permit in the I-(EISD) District in accordance with 5.06.4.j and in the Brookline Hills Overlay District in accordance with 5.06.4.l.” and
 - b) Use 29, Store of less than 5,000 square feet – Adding “**” after “No” in column “M” and amending the underlined text to the last footnote as follows: “**Permitted by special permit in the I-(EISD) District in accordance with 5.06.4.j and in the Brookline Hills Overlay District in accordance with 5.06.4.l.” and
 - c) Use 30, Eating places of less than 5,000 square feet - Adding “**” after “No” in column “M” and amending the underlined text to the last footnote as follows: “**Permitted by special permit in the I-(EISD) District in accordance with 5.06.4.j and in the Brookline Hills Overlay District in accordance with 5.06.4.l.”
- 6) By amending Section 5.01 – Table of Dimensional Requirements – by adding Footnote 22 after the words “L-0.5” in the row for the L-0.5 District, after the words “M-1.0 (CAM)” for the M-1.0 (CAM) District, and after the words “G-2.0” in the row for the G-2.0 District which Footnote 22 shall read as follows:
 - “22. See Section 5.06.4 – Special Districts, subsection l. Brookline Hills Overlay District with respect to uses and all dimensional requirements.”

7) By amending Section 5.01 – Table of Dimensional Requirements – by adding Footnote 23 after the words “G-1.0” in the row for the G-1.0 District which Footnote 23 shall read as follows:

“23. See Section 5.06.4 – Special Districts, subsection m. Boylston Street East Overlay District with respect to uses and all dimensional requirements.”

8) By amending Section 5.06.4 – Special Districts – by adding a new item as follows:

“1. Brookline Hills Overlay District

1) It has been determined through study by the Boylston Street Corridor Study Committee that for properties near the intersection of Cypress Street and Boylston Street potential exists for careful, planned redevelopment. It has further been determined that, due to the circulation patterns as well as the adjacency of this area to municipal uses, retail businesses, transit systems and residential neighborhoods, that appropriate uses include residential, commercial, institutional, recreational, and educational uses. An analysis of the existing conditions, including existing floor area ratios of properties within and adjacent to this Overlay District, as well as a preference for additional affordable housing units and most commercial uses, provide reasons why additional density may be allowed by Special Permit under the criteria of this section.

2) The Board of Appeals may grant a Special Permit under this section allowing for a project that meets the following requirements and limitations. Conformance with said requirements and limitations shall be made conditions of the Special Permit.

a. Any project that proposes demolition of existing Dwelling Units must demonstrate how the project will result in a net increase of at least 20% more Dwelling Units, or one additional Dwelling Unit, whichever is greater.

b. Any project subject to Section 4.08, Inclusionary Zoning, shall provide all required affordable units on site.

c. Any building shall be permitted to have more than one principal use. For example, a restaurant or retail business may be located in the same building as a permitted residential or office use without being considered an accessory use.

d. Building Height

i. For properties located in an underlying “L” (Local Business) or “G” (General Business) Zoning District, additional height may be granted to accommodate buildings that are six Stories or less.

ii. For properties located in an underlying “M” (Multifamily) Zoning District, additional height may be granted to accommodate buildings that are five Stories or less.

e. Parking - Any fees charged for parking must be separate from any rental, lease, sale, employment, contract or other arrangement permitting a user to occupy the building.

f. The Gross Floor Area Ratio (FAR) for a project permitted pursuant to this section may be granted an increased FAR as follows:

i. Up to 3.0 for any project; and

ii. An additional bonus FAR for the equivalent size Gross Floor Area that is utilized for:

1. Uses 11 through 18A inclusive, 20, 20A, 20C, 21, 29, 30, 32 through 36A inclusive, 36C, 37 and 44;

2. Affordable Units in excess of Affordable Housing Requirements as defined in Section 4.08; and/or

3. Subsidized non-residential space, as affirmatively recommended by the Economic Development Advisory Board.

iii. The total FAR shall not exceed 3.5, except for projects that are located on the south side of Boylston Street and on a site at least one acre in size in which case the total FAR shall not exceed 4.0.

g. Tree Canopy & Urban Heat Island Mitigation

i. Any project that removes trees 8 inches or greater in diameter, as measured 4.5’ above ground level, must include a mitigation plan as affirmatively recommended by the Tree

Warden. Such mitigation plan shall result in no loss of overall tree canopy within a quarter mile of the property, as affirmatively recommended by the Tree Warden.

- ii. Street trees shall be provided at regular intervals approximately every 25 feet adjacent to any public sidewalks. The size, location and species of all trees at the time of planting and the final design of all landscaping in the public or private way shall be approved by the Director of Parks and Open Space or their designee. In circumstances where trees cannot be provided as stipulated above as determined by the Director of Parks and Open Space or their designee, the applicant shall provide an equivalent amount of trees and/or landscaping at appropriate locations on the site at similar elevations of the public sidewalk level, or make a financial contribution to the Town in an equivalent dollar amount for similar improvements in adjacent parks and public spaces.
- iii. Any project within the Overlay District shall be required to demonstrate to the Planning Board measures taken to reduce urban heat island effects, which may include landscaping, green roofs, cool roofs, etc.

h. All new buildings and renovations to existing buildings shall be LEED Silver Certifiable or higher. Applicants shall provide evidence to the satisfaction of the Building Commissioner that all new construction and renovations of existing buildings are LEED Certifiable Silver or a higher rating via the provision of a LEED scoring sheet. The construction or renovation of such buildings consistent with these plans shall be confirmed prior to the issuance of a Certificate of Occupancy.

(i) The use of on-site combustion for Heating Ventilation or Air Conditioning (HVAC) is prohibited.

3) Any application that seeks relief under this Overlay District shall be deemed a Major Impact Project with respect to Section 5.09, Design Review.”

9) By amending Section 5.06.4 – Special Districts – by adding a new item as follows:

“m. Boylston Street East Overlay District

1) It has been determined through study by the Boylston Street Corridor Study Committee that for properties between Davis and Walnut Path and High Street, potential exists for careful, planned infill development in addition to incentivizing the reuse of existing buildings to the extent possible. It has further been determined that, due to the circulation patterns as well as the adjacency of this area to municipal uses, retail businesses, transit systems and residential neighborhoods, that both residential and commercial uses are appropriate. An analysis of the existing conditions, including existing floor area ratios of properties within and adjacent to this Overlay District are reasons why additional density and other dimensional requirements, as well as flexibility of uses, may be allowed by Site Plan Review under the criteria of this section.

2) Any application that seeks relief under this Overlay District shall be subject to Site Plan Review by the Planning Board to ensure that there is adequate provision of access for fire and service equipment; ensure adequate provision for utilities and storm water storage and drainage; ensure adequate provision of loading and passenger pick-up zones; ensure appropriate provision of parking; minimize impacts on wetland resources areas; minimize stormwater flow from the site; minimize soil erosion; minimize the threat of air and water pollution; minimize groundwater contamination from on-site disposal of hazardous substances; maximize pedestrian, bicycle and vehicle safety; screen parking, storage and outdoor service areas through landscaping or fencing; minimize headlight and other light intrusion; ensure compliance with the Brookline Zoning By-Laws; maximize property enhancement with sufficient landscaping, lighting, street furniture and other site amenities; and minimize impacts on adjacent property associated with hours of operation, deliveries, noise, rubbish removal and storage. All plans and maps submitted for site plan review shall be prepared, stamped, and signed by a Professional Engineer licensed to practice in Massachusetts. Pursuant to the site plan review process, applicants shall provide to the Planning Board and the Director of Engineering a site plan showing:

- a. Demonstrated design compliance with any General By-Law related to erosion and sediment control and stormwater management;
- b. Property lines and physical features, including roads, driveways, parking for vehicles and bicycles, loading areas and trash storage for the project site;

- c. Proposed changes to the landscape of the site, grading, vegetation clearing and planting, and exterior lighting.
 - d. The extent to which the project complies with any applicable Design Guidelines adopted by the Planning Board.
 - e. Compliance with other requirements related to zoning relief provided under this Overlay District as described below.
- 3) The Planning Board may grant a Site Plan Review Permit under this section allowing for a project that meets the following requirements and limitations.
- a. Any project that proposes demolition of existing Dwelling Units must demonstrate how the project will result in a net increase of at least 20% more Dwelling Units, or one additional Dwelling Unit, whichever is greater.
 - b. Any project that proposes demotion of existing Dwelling Units or of any other structure of three or more stories shall demonstrate that a life-cycle cost analysis of the existing and the proposed structures has been prepared and reviewed by the applicant. Such analysis shall incorporate the social cost of carbon, including embodied carbon.
 - c. ~~b.~~ Any project subject to Section 4.08, Inclusionary Zoning, shall provide all required affordable units on site. No special permit is required pursuant to Section 4.08 as long as the Site Plan Review Permit provided under this Overlay District includes conditions that document how all other compliance under Section 4.08 and related Affordable Housing Guidelines will be met, per the positive recommendation by the Housing Advisory Board.
 - d. ~~e.~~ No special permit or related Design Review process is required pursuant to Section 5.09.2.a-d, h, or i, for projects that:
 - i. Include at least 5% of the property area as Landscaped Open Space, and
 - ii. Provide a 12' clear height on the ground floor. Clear height is defined as the vertical height from the surface of the finished floor to the surface of the finished floor above at all points. When there is no floor above, such measurement shall be to the top of the structural beam or joists above or the top of the wall plate, whichever is more.
 - e. ~~d.~~ Use Flexibility
 - i. The ground floor of a residential building may have maximum residential use frontage that exceeds Use 6 in Section 4.07 – Table of Use Regulations, if the applicant adequately demonstrates that: (i) the location of residential and non-residential uses of the ground floor are appropriate given the transition between residential and commercial neighborhoods; and (ii) for projects of 10 or more residential units, at least 1,200 square feet of floor space on the ground floor is designed to accommodate retail and restaurant uses with regards to utility access, ventilation design, plumbing and utilities, accessibility and egress design, fire suppression systems, and ceiling height.
 - ii. Any proposed building shall be permitted to have more than one principal use. For example, a restaurant or retail business may be located in the same building as a permitted residential or office use without being considered an accessory use.
 - f. ~~e.~~ Building Envelope - The Floor Area Ratio, maximum building height, setbacks, open space and other dimensional requirements otherwise applicable may be exceeded as long as the project does not exceed the following building envelope as described further below:
 - i. The ground floor of a building must be setback from the Boylston Street property line by 8’;
 - ii. Maximum of 4 Stories; and
 - iii. Allowable height envelope is also formed by a plane that is sloped 1:1, beginning at the rear property line at a height of 10’.

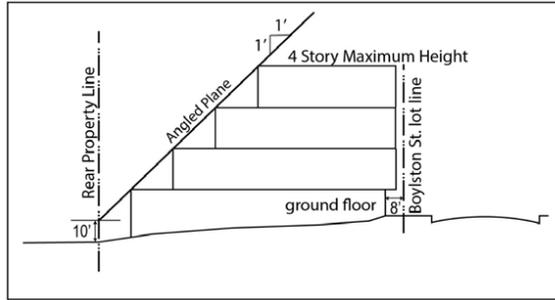


Figure 5.06.4.m.1 As-of-Right Building Envelope

g. f. Parking - Any fees charged for parking must be separate from any rental, lease, sale, employment, contract or other arrangement permitting a user to occupy the building.

h. g. Tree Canopy & Urban Heat Island Mitigation

- i. Any project that removes trees 8 inches or greater in diameter, as measured 4.5' above ground level, must include a mitigation plan as affirmatively recommended by the Tree Warden. Such mitigation plan shall result in no loss of overall tree canopy within a quarter mile of the property, as affirmatively recommended by the Tree Warden.
- ii. Street trees shall be provided at regular intervals approximately every 25 feet adjacent to any public sidewalks. The size, location and species of all trees at the time of planting and the final design of all landscaping in the public or private way shall be approved by the Director of Parks and Open Space or their designee. In circumstances where trees cannot be provided as stipulated above as determined by the Director of Parks and Open Space or their designee, the applicant shall provide an equivalent amount of trees and/or landscaping at appropriate locations on the site at similar elevations of the public sidewalk level, or make a financial contribution to the Town in an equivalent dollar amount for similar improvements in adjacent parks and public spaces.
- iii. iii. Any project within the Overlay District shall be required to demonstrate to the Planning Board measures taken to reduce urban heat island effects, which may include landscaping, green roofs, cool roofs, etc.

i. h. All new buildings and renovations to existing buildings shall be LEED Silver Certifiable or higher. Applicants shall provide evidence to the satisfaction of the Building Commissioner that all new construction and renovations of existing buildings are LEED Certifiable Silver or a higher rating via the provision of a LEED scoring sheet. The construction or renovation of such buildings consistent with these plans shall be confirmed prior to the issuance of a Certificate of Occupancy.

j. The use of on-site combustion for Heating Ventilation or Air Conditioning (HVAC) is prohibited.

8) Severability – The provisions of these amendments to the Zoning Bylaw are severable and if any provision shall be disapproved by the Massachusetts Office of the Attorney General or held invalid by a court of competent jurisdiction, such disapproval or invalidity shall be construed as narrowly as possible, and the balance of the Zoning Bylaw shall be deemed to be amended to the minimum extent necessary, so as to secure its purposes.

...or act upon anything else thereto.