

## Minutes

Economic Development Advisory Board

April 3, 2023 7:00PM

Held remotely via Zoom

### Committee members in attendance (noted by Y/N):

Anne Meyers, Co-Chair	Y	Derrick Choi	Y	Carol Levin	N	Marilyn Newman	Y
Paul Saner, Co-Chair	Y	Alan Christ	Y	Ken Lewis	Y	Al Raine	Y
Cliff Brown*	Y	Sandi Silk	Y	Tom Nally	Y	Zeina Talje	Y

\*Arrived late or left early

Staff & consultants present: Meredith Mooney, Victor Panak, William Dorfman, Kara Brewton, Chas Carey, Maria Morelli

Attendees included: John Harris, Carol Gladstone, Michael Sandman, John Bowman, John Hebert, Jonathan Margolis, James Perrin, Charles Homer, David Lescohier, Larry Koff, Martin Rosenthal, Amy Emmert, Katha Seidman, Perry Grossman, Linda Pehlke, Nancy Heller

Meeting Materials: <https://www.brooklinema.gov/DocumentCenter/Index/2936>

- Update Presentation from Maria Morelli
- Warrant Article 24
- Warrant Article 24 Amendment
- Warrant Article 24 Amendment Clean

Meeting Recording:

[https://brooklinema.zoomgov.com/rec/share/7g\\_Rj-M2BKHoolChUkIbTOTycebPRy3WfGqp8wJ8-kDPImepAgfgvseejYxdAuG4.B2GT6awTejZg7ms8](https://brooklinema.zoomgov.com/rec/share/7g_Rj-M2BKHoolChUkIbTOTycebPRy3WfGqp8wJ8-kDPImepAgfgvseejYxdAuG4.B2GT6awTejZg7ms8)

### **Opening Remarks**

Anne Meyers opened the meeting. Paul Saner thanked the Planning Department for working on studying the Harvard Street corridor. He also requested that all discussions be courteous and that Planning staff be treated with respect. He then briefly reviewed the agenda items and the timing thereof. He also indicated that the proposed amendment to Warrant Article 24 has been deemed out of scope by the Town Moderator and therefore won't be discussed.

### **Update from Maria Morelli, Senior Planner, and Discussion on the Regulatory Division's Harvard Street Study and MBTA Communities Act compliance**

Mr. Saner started the discussion by introducing Maria Morelli.

Ms. Morelli summarized the work on the Harvard Street Study and provided recent updates to the Board on the Town's progress towards complying with the MBTA Communities Act (MBTACA) compliance. Ms. Morelli provided the Board with a presentation. Ms. Morelli discussed some of the

reasons why Harvard Street was chosen as the area for compliance with the MBTACA. She reviewed the timeline of Select Board and staff activities since January 2023 and upcoming key dates related to the project. While summarizing the Harvard Street Study, Ms. Morelli discussed some of the identified zoning barriers to multi-family development, including FAR, parking, open space, and height restrictions. She also discussed the financial and physical constraints that inhibit successful commercial activities along Harvard Street and how to right-size parking requirements in the corridor.

Ms. Meyers invited Board members and the public to ask questions.

Sandi Silk asked for clarification that commercial uses can be allowed by right but cannot be mandated under the MBTACA. Ms. Morelli confirmed this.

Zeina Talje asked if the Town can limit the number of units in new buildings. Ms. Morelli stated that no limits on units would be imposed. Ms. Talje emphasized that eliminating this restriction will allow for more diverse, accessible housing. She also asked how many units Ms. Morelli projects would be built under the new zoning by-law. Ms. Morelli stated that, when looking only at underutilized parcels, she projects about 1,700 units.

Al Raine spoke in favor of using an incentive to encourage ground-floor commercial uses and eliminating parking requirements as a strategy to attract additional residential and commercial development. Ms. Morelli indicated that Planning staff would circle back with EDAB at a later date about incentives for ground-floor retail.

Ken Lewis asked for confirmation that the proposed zoning by-law that would be introduced for Fall Town Meeting would not include density bonuses for ground-floor retail uses. Ms. Morelli confirmed this.

Ms. Silk stated that she believes the more the Town can use incentives instead of mandates, the better. She said it allows development in the town to adjust to the market needs as things evolve.

Mr. Saner agreed with Ms. Silk's position on incentives vs. mandates. He also asked whether some of the parcels in the corridor would be removed from the district if they are not appropriate for the form-based-zoning design criteria that are developed. Ms. Morelli suggested that instead the FBZ code would be made more flexible depending on what the consultant sees in the corridor.

#### Public Comment

John Harris (TMM Precinct 8) raised concerns with new overlay zoning districts that could allow buildings over 4 stories. He asked if the FBZ code could be drafted in a way that makes it more difficult for tall buildings to be constructed in specific areas where several 40B projects have already been built.

#### **PUBLIC HEARING on Warrant Article 24: Resolution requesting the Select Board and the Town's legislative delegation to initiate or continue efforts to modify Department of Housing and Community Development guidelines promulgated pursuant to the MBTA Communities Act, requesting the Moderator to appoint a committee on compliance with the Act and requesting the Select Board to direct the Planning Department to staff the committee (Gordon, et. al)**

Mr. Saner reviewed how the public hearing would be conducted. Anne Meyers opened the public hearing.

Linda Pehlke (petitioner) introduced warrant article 24. She discussed the purpose of the warrant article – specifically, that more attention should be devoted to exploring alternative options for complying with

the MBTA Communities Act. She emphasized that focusing the Town's compliance strategy on Harvard Street, the Town risks losing the commercial character of the corridor as developers take advantage of the new zoning district to build new residential buildings.

Jonathan Margolis (petitioner) agreed with Ms. Pehlke and added that, if EDAB is confident that the Harvard Street Study is the proper approach, then they should welcome an exploration of all solutions since the Harvard Street Study would come out as the best option.

Martin Rosenthal (petitioner) echoed many of the comments from Ms. Pehlke and emphasized his concern for the possibility that small businesses would be displaced. He also stated he does not believe that the DHCD guidelines should be viewed as law.

#### Public Comment

Charlie Homer (76 Green Street) noted that he was the proponent for an amendment to Warrant Article 24 which was deemed out of scope. He then spoke against Warrant Article 24 and in favor of complying with the MBTACA to build more housing. He spoke highly of the Planning staff's efforts to explore different options for compliance. He said he expects that the purpose of the article will be made moot as the town continues moving towards compliance, but that if it is not, it would be more appropriate for the Select Board to appoint the committee.

Katha Seidman (18 Alba Street) spoke against Warrant Article 24 on the grounds that an extraordinary amount of work has already been done by the Planning Department in identifying the best way to comply with the MBTACA. She also spoke positively about upcoming community engagement.

John Bowman (TMM Precinct 10) spoke in support of the comments from Martin Rosenthal and in support of Warrant Article 24.

Nancy Heller (40 Abbotsford Road) expressed concerns with the effectiveness of the incentives proposed by the Planning Department staff and said she is concerned with profit-motivated developers demolishing and redeveloping small scale buildings along Harvard Street.

James Perrin (33 Abbotsford Road) supported the comments of Charlie Homer.

Michael Sandman (Select Board member) indicated that the Select Board may very well soon appoint a committee tasked with the same goal as the committee proposed by Warrant Article 24.

Anne Meyers closed the public hearing.

Ken Lewis spoke in favor of Warrant Article 24, emphasizing that it is important for the Town to know its options in compliance. He also went into detail about what it means to comply with the MBTACA. He also made an argument on why he believes the Harvard Street solution is not the optimal approach, noting in particular its attempt to simultaneously comply with the state law and solve inconsistencies in the Town's zoning by-laws. He also raised concerns with applying the same, or similar, design standards to retail buildings, residential buildings, and large commercial properties – all of which appear on Harvard Street. He also warned that the Harvard Street solution could have negative implications for commercial uses on Harvard Street.

Mr. Raine spoke against Warrant Article 24 on the grounds that the goal of the article is already being fulfilled by scheduled workshops and other forums for discussion aimed at discussing alternatives to the Harvard Street solution. The passage of the article would divert from the time and effort already being focused on current compliance efforts and delay action on compliance until passage of the article 2 months later. Mr. Raine suggested that, if discussion of alternatives is to be had, it needs to be had immediately, not after Town Meeting.

Alan Christ agreed with Mr. Raine’s perspective and added that he has been impressed with the process laid out by the Planning Department. He also noted his belief that Harvard Street is the appropriate locus for compliance with the MBTA Communities Act.

Mr. Saner expressed opposition to the article and stated that he looks forward to a discussion on why the Harvard Street proposal is an ideal solution from an economic development perspective. He also expressed interest in the upcoming discussions and workshops about alternative options.

Mr. Choi felt that the requests of Warrant Article 24 are not unreasonable and that the goals should be incorporated in the ongoing work of the Planning Department. Kara Brewton, Planning Director, discussed ways in which those requests are being incorporated into the Department’s work, including workshops hosted by the Department and the establishment of a Select Board committee charged with that purpose. Charles Carey, Town Administrator, echoed Ms. Brewton’s comments and noted that the Select Board intends to establish a committee charged with evaluating alternatives for compliance with the MBTA Communities Act.

Ms. Silk spoke in support of complying with the MBTA Communities Act in a way that is meaningful way and actually produces new housing rather than enshrining existing conditions. She added that she supports evaluating other alternatives if the objective is to find better alternatives but she opposed Warrant Article 24 on the grounds that it focused on detracting from the viability of the Harvard Street solution.

The Board discussed how to proceed with motions and votes on the article.

**Mr. Brown moved that EDAB recommend favorable action on Warrant Article 24. Mr. Lewis seconded the motion.**

**Mr. Raine moved that the motion be replaced with a motion that EDAB recommend “no action” on Warrant Article 24, in recognition of the fact that: the process of identifying and evaluating alternative concepts for MBTACA compliance is underway, including a series of community engagement activities and public workshops; that the Select Board and Town Administrator are working with the petitioners and others to advance this process well in advance of the May Town Meeting, including the potential appointment of a committee for this purpose; and that this collaborative approach may result in Warrant Article 24 becoming moot prior to Town Meeting.**

**Mr. Brown seconded the motion. The Board voted as follows on whether to adopt the motion as the main motion:**

Anne Meyers, Co-Chair	Y	Derrick Choi	N	Carol Levin	n/a	Marilyn Newman	Y
Paul Saner, Co-Chair	Y	Alan Christ	Y	Ken Lewis	A	Al Raine	Y
Cliff Brown*	A	Sandi Silk	Y	Tom Nally	Y	Zeina Talje	Y

**The Board voted on the main motion, moved by Mr. Raine and seconded by Ms. Meyers:**

Anne Meyers, Co-Chair	Y	Derrick Choi	A	Carol Levin	n/a	Marilyn Newman	Y
Paul Saner, Co-Chair	Y	Alan Christ	Y	Ken Lewis	A	Al Raine	Y
Cliff Brown*	A	Sandi Silk	Y	Tom Nally	Y	Zeina Talje	Y

**The motion passed by a vote of 8-0-3: EDAB recommends “no action” on Warrant Article 24, in recognition of the fact that: the process of identifying and evaluating alternative concepts for MBTACA compliance is underway, including a series of community engagement activities and public workshops; that the Select Board and Town Administrator are working with the petitioners and others to advance this process well in advance of the May Town Meeting, including the potential appointment of a committee for this purpose; and that this collaborative approach may result in Warrant Article 24 becoming moot prior to Town Meeting.**

**The meeting was adjourned.**