



Town of Brookline Massachusetts

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JOINT BROOKLINE PLANNING BOARD AND ZONING BY-LAW COMMITTEE PUBLIC HEARING ON PROPOSED ZONING AMENDMENT WARRANT ARTICLES FOR SPRING 2022 TOWN MEETING MINUTES

By Zoom Event
April 20, 2022 – 7:00 p.m.

Planning Board Present: Steve Heikin, Mark Zarrillo, Linda Hamlin, Shelly Chipimo, Andrea Brue, Abigail Hill, Blair Hines (joined at 8:30pm)
ZBL Committee Present: Bernard Greene, John Van Scoyoc, Dan Saltzman, Lynda Roseman, Ken Goldstein, Linda Olson Pehlke, Cliff Brown, Johanna Schneider, Carla Benka, Paul Saner, Roger Blood
Staff Present: Victor Panak

Steve Heikin opened the meeting and noted that it is a joint meeting of the Planning Board and Zoning By-law Committee.

1) **ARTICLE 15: Amend the Zoning Map and portions of Article 2-5 of the Zoning By-law to create two overlay districts in the eastern portion of the Boylston Street Corridor**
(Planning and Community Development Department)

Kara Brewton provided the boards with a presentation of Article 15, including a summary of amendments that have been proposed by other boards, committees, and members of the public.

Ken Goldstein expressed support for the article and asked questions about why certain parcels weren't included in the overlay districts. Ms. Brewton indicated that tree preservation, flexibility, and compromise drove the decision to keep them out of the overlay districts.

Linda Olson Pehlke asked about rear yard setbacks and open space requirements in the overlay districts. Ms. Brewton said that the existing rear yard setback and open space requirements would still apply. Ms. Pehlke said she didn't understand how the Planning Board could issue permits under site plan review. Ms. Brewton highlighted that the Planning Board often has permitting powers in other communities and has limited permitting powers currently in select situations in Brookline.

Carla Benka questioned the use of stories as a measure of height. Mr. Zarrillo said that stories can be more restrictive to height than actual height measurements.

Johanna Schneider asked about whether the requirement that new development be LEED certified silver would apply to ALL new construction regardless of size. Ms. Brewton indicated that the requirement would only apply to development seeking benefits under the overlay district. Ms. Brewton added that the choice of the LEED requirement is due to LEED being the only sustainability standard that has been approved by the Attorney General.

Shelly Chipimo asked for clarification on the difference between on-site and off-site affordable housing units and why the HAB preferred not to limit affordable units to on-site only. Roger Blood explained that the HAB did not feel that an overlay district should deviate from a town-wide policy and preferred the flexibility inherent in allowing both on-site and off-site options.

Andrea Brue asked why the skyplane height requirement wasn't more widely used in the overlay districts. Ms. Brewton said that the desire to have lower heights for buildings as they approach adjacent residential units has come through loud and clear from the neighborhood. She indicated that some elements of the design guidelines might be moved into the article itself to strengthen such requirements.

Mark Zarrillo stated that the reason the on-site affordable housing unit requirement is included is that the Committee estimated that potentially 500 units could be created through these overlay districts and it would be a loss to have the affordable units located elsewhere.

Dan Saltzman asked for more clarity on why stories were used for height rather than linear feet. He also wanted more information on why the skyplane provision is not used on other parts of the overlay districts.

Public Comment:

Cammy Brothers, 42 Brington Road, expressed concerns with the overlay districts that would allow for significantly increased density.

Valerie Morhaime, resident of Brington Road, also expressed concerns with the overlay districts and suggested that the parcels that would most directly affect the Brington Road neighborhood should be removed from the scope of the zoning change.

Mary Sullivan, 51 Brington Road, also opposed the proposed overlay districts - she said that the new high school addition already has had a very significant and difficult impact on the neighborhood.

Matthew Oudens, 26 Brington Road, expressed extreme concern with the scale of buildings being proposed by the overlay districts. Mr. Oudens also expressed concern with the lack of engagement from the Town with Brington Road residents.

Jonathan Klein, 153 Cypress Street, expressed support for the article, noting the incorporation of difficult compromises, and also underscored the HAB recommendation to eliminate the restriction of affordable units to on-site only. Mr. Klein also said he thinks it's a major miss to not include one of the parcels at the southwest portion of the study area.

Yolanta Kovalko, 15 Cameron Street, expressed some perplexion on why her property was not included in the overlay districts.

Wendy Machmuller, 110 Walnut Street, and member of the Boylston Street Study Committee, expressed strong support for the on-site only requirement on affordable housing units.

Hugh Mattison made a case for the review and approval of tree mitigation plans by the Tree Mitigation Committee.

David Jones, 53 Brington Road, indicated support for the comments of other residents of Brington Road and noted for the Committee that the southwest corner of the intersection of Boylston Street and Cypress Street is included on a map of the study area on the website.

Mr. Heikin identified two key issues with the Article. The first is the impact on Brington Road and the second is the issue related to on-site affordable housing requirements.

Bernard Greene expressed support for the on-site affordable housing requirements because he felt that it would help avoid having nothing but luxury housing in the Boylston Street corridor.

Linda Olson Pehlke expressed opposition to the article on the grounds that she is opposed to upzoning and allowing such development by-right – she feels that it is not a way to produce good development. Ms. Pehlke reviewed her suggested amendments, including public improvement payment requirements, parking location requirements, etc. Ms. Pehlke felt that the article is not ready because it is not comprehensive enough and did not sufficiently include the surrounding neighborhood.

Mr. Blood, Mr. Heikin, and Mr. Zarrillo briefly discussed the zoning mechanics related to the on-site affordable housing requirements.

Lynda Roseman expressed support for Linda Olson Pehlke’s comments and expressed confusion about why the article is being rushed to Spring Town Meeting.

Paul Saner discussed some of the history of the Economic Development Advisory Board and efforts to rezone the Boylston Street corridor. Mr. Saner discussed how the development of the Boylston Street corridor is critical to expanding the Town’s tax base and that the Town’s zoning for the corridor is woefully inadequate for that purpose. Mr. Saner explained how design guidelines can be used to leverage a lot of improvements from proposed developments. Mr. Saner also discussed the affordable housing requirements for the overlay district. He expressed strong support for the article.

Carla Benka said that the article seems to focus more on housing rather than commercial development. Ms. Brewton stated that commercial development is unlikely except on a few parcels within the overlay districts.

Bernard Greene moved to eliminate the requirement that affordable housing must be provided on site for developments made pursuant to the overlay districts. The Zoning By-law Committee voted 9-3-1 (3 members absent) in favor of the motion. The Planning Board voted 2-5 against the motion.

Mr. Heikin discussed some changes he would like to see made to the warrant article and summarized the considerations raised by the boards as follows:

1. Remove the parcel on the northwest corner of Boylston and Cypress for now, and propose refined zoning changes for both the northwest and southwest corners in time for Fall Town Meeting. The Planning Board could assist in this. And also remove the High School parcel -- no need for it to be in the overlay.
2. Apply the skyplane concept to both overlay districts.

3. Limit height to five stories, not six -- still within the sweet spot for current cost-effective podium-type building construction. Maybe with setback above four stories -- whether max is reduced to 5 or stays at six.
4. Move Height guidelines to zoning and consider whether other elements of guidelines belong in zoning.
5. Ensure that Site Plan Review includes design review -- consistent with language in MBTA Communities requirements for projects that can be approved by right, but allowing for design review. (Unless we do away with Site Plan review altogether and go back to requiring a Special Permit in both Overlays -- see below.)

The board continued to discuss ways in which the article might be revised and who would make the revisions.

2) **ARTICLE 17: Amend Article 6 of the Zoning By-law to increase the requirements for providing electric vehicle parking** (Planning and Community Development Department)

Maria Morelli provided the boards with a presentation of Article 17.

Mr. Zarrillo asked some questions about the details of the warrant article.

Ms. Brue asked why the EV requirements are being required for one- and two-family dwellings. Ms. Morelli indicated that the charge to the Planning Department included adding requirements for one- and two-family dwellings.

Mr. Heikin suggested a few minor technical changes to the proposed language.

Linda Olson Pehlke noted a concern that was raised at the Advisory Subcommittee that was related to whether the Attorney General would approve a portion of the article that could be considered as deviating from the Building Code.

Mr. Blood moved to recommend favorable action on Article 17. Ms. Benka seconded the motion. The Zoning By-law Committee voted 12-0 (4 members absent) in favor of the motion. The Planning Board voted 7-0 in favor of the motion.

3) **ARTICLE 18: Amend Articles 2 and 6 of the Zoning By-law to increase the requirements for providing bicycle parking (required design standards are in a separate document)** (Planning and Community Development Department)

Discussion on this article was postponed to April 27, 2022

The meeting was adjourned.