

Minutes

MBTA Communities Act Multi-Family Permitting Committee

April 26, 2023 – 4:00 PM

Hybrid Meeting – Town Hall and remotely via Zoom

Committee members in attendance:

Member	Attendance	Location
Dick Benka – Chair	Yes	Town Hall
Rick Fredkin	Yes	Zoom
Carol Gladstone*	Yes	Zoom
Ken Lewis	Yes	Town Hall
Linda Olson Pehlke	Yes	Town Hall
David Pollak	Yes	Town Hall
Katha Seidman	Yes	Town Hall
Neil Wishinsky	Yes	Town Hall

*Arrived late or left early

Staff & consultants present:

Kara Brewton – Director, Brookline Department of Planning & Community Development

Public attendees (via Zoom):

John Harris, Charles Homer, David Rockwell, Jonathan Klein, Michael Rubenstein, and four others

Meeting materials and link:

Agenda, MA Department of Housing & Community Development (DHCD) summary memo from Benka and Brewton (4-24-23), Excel Compliance Model from DHCD (February 2023), DHCD Compliance Model User Guide (11-22-22), DHCD Presentation (3-18-23), 2016 Zoning Map including enlarged sections, Zoning Bylaw & Amendments (February 2023), Town Administrator support letter for Vitolo amendment to MBTA-CA (4-24-23), Brewton presentation of options to Select Board (4-25-23), Parcel Sketch of Building Setbacks in T-5 & F-1 Zoning Districts by Lewis (4-26-23), Chat & Q&A during Zoom meeting

<https://www.brooklinema.gov/DocumentCenter/Index/4103>

Meeting recording link:

<https://brooklinema.zoomgov.com/rec/share/qgvrT7N64YZHag5B979xSrF53hgUK0TXCNSX927fMgVJW5Sjt9RLkwFqnloHze5p.I7Ftk5RVwCsXFORN>

Opening Remarks

Committee Chair Dick Benka opened the meeting with a statement regarding the Massachusetts Open Meeting Law requirements for a hybrid meeting. Kara Brewton noted the meeting was being recorded. Owl conference system technology was used to facilitate discussion and slide presentations for the hybrid format.

Committee members provided personal introductions including their professional backgrounds and experience with Town of Brookline boards and committees.

Select Board Charge

Dick Benka reviewed the Committee Charge from the Select Board to identify, develop, and analyze potential options for complying with the MBTA Communities Act (aka Section 3A). “The Committee shall focus on developing potential options that could but need not include portions of the Harvard Street study area that: (i) minimize the impact to commercial districts and existing businesses, (ii) include at least one option likely to incentivize the creation of additional housing units that are suitable for all stages of life and income levels, and (iii) take into consideration the location of additional housing relative to available capacity for open space, schools, and other public infrastructure.”

Key tasks include the following:

- Develop at least two solutions, with a goal of at least one that would likely incentivize at least 699 net new housing units constructed (10% of the theoretical housing capacity required by the state) – which could but need not include solutions being developed on Harvard Street, or be entirely separate from Harvard Street.
- Evaluate the possibility of compliance using, but not necessarily limited to, existing T (two-family) zones and M (multi-family) zones.
- Consider and resolve to the extent feasible any unintended consequences updated zoning may have, including impacts of the MBTA-CA parking model, negative impacts on existing businesses, climate resiliency, potential demolition of existing housing stock or loss of character-defining features of the Town.

Kara Brewton noted that there are no plans for additional community workshops on compliance options for the MBTA-CA in addition to the three already held prior to the Committee meeting.

Future Meetings Schedule

Committee members agreed to the following schedule for future meetings to comply with the timetable for delivery of recommendations to the Select Board by July 14, 2023:

Day	Date	Time
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Tuesday	May 9, 2023	2:00 PM
Friday	May 19, 2023	2:00 PM
Wednesday	May 31, 2023	2:00 PM
Friday	June 9, 2023	2:00 PM
Wednesday	June 21, 2023	2:00 PM
Friday	June 30, 2023	2:00 PM
Wednesday	July 12, 2023	2:00 PM
Friday	July 21, 2023*	2:00 PM

**if necessary*

Given work and travel schedule constraints, and hybrid technology challenges, it was determined that all future meetings will be held via Zoom.

Update on DHCD Compliance Guidelines - Amendments and Clarifications

Kara Brewton updated the Committee on the Select Board's March 29, 2023, letter to the Department of Housing and Community Development (DHCD) to clarify and amend certain MBTA-CA compliance guidelines. These requests included: (1) confirming that the Town's regulations regarding Local Historic Districts (LHD's) would not conflict with the as of right provisions in Section 3A; (2) amending the guidelines to (a) allow the requirement for commercial space at grade in an as of right multi-family / mixed-use zoning district; (b) allow a requirement for a minimum number (4 - 5) of dwelling units in a proposed building; and (c) eliminate the requirement that the zoning districts must be contiguous and reduce the minimum size from five acres to two acres; and (3) requested phased compliance for adopting zoning with the theoretical capacity for 6,990 dwelling units.

As of the meeting date the Select Board has not received a response from DHCD.

DHCD Compliance Guidelines and Compliance Excel Model Formulas

The Committee reviewed specific parameters of the Compliance Guidelines and Compliance (Excel) Model that will impact strategies for designating zoning district boundaries that meet compliance thresholds. These included the following:

Parking Adjustment to Building Footprint – the compliance model assumption for minimum parking ratios could be set at zero independent of requirements in the municipal zoning by-law if it can be demonstrated that parking in the proposed district is typically provided as structured or podium parking. It was also noted that surface parking in some districts is typically located within side or rear setbacks, so these dimensions should be adjusted to avoid double counting.

Unit Capacity Calculations: the compliance model assumes 1,000 GSF per unit unless otherwise constrained by the maximum number of units permitted in the designated

district. The model utilizes number of stories in the calculation which requires translation of maximum building height in feet to maximum number of floors (assuming 10' per floor).

Demolition Regulations: regulations in LHD's or other overlay districts would be permissible to delay demolitions provided they did not require a discretionary Special Permit.

Site Plan / Design Review Provisions – expanded site plan review provisions are permissible if they do not involve discretionary approval but do incorporate written design guidelines (that could include a form-based zoning code).

Compliance Options Update

Kara Brewton presented a summary of the update provided to the Select Board on April 25, 2023.

Existing Zoning (Slide 10): Based on existing zoning restrictions in the Coolidge Corner Overlay District (CCOD) and Design Corridor Overlays the Town has an as of right capacity for 2,046 dwelling units (DU's).

Option 1 (Slide 11): Combination of six areas within existing M, F, L, G, and I districts. Capacity is 7,502 DU's prior to open space adjustment to building footprints (i.e., parking and building setbacks). Does not meet current contiguity guideline.

Option 1A (Slide 12): Multi-family areas between Pleasant and Amory Streets. Capacity is 1,250 DU's prior to open space adjustment. Does not meet current contiguity guideline.

Option 1B (Slide 13): Multi-family areas along St. Paul Street between Longwood Avenue and Drummer Street. With parking requirements capacity is 1,900 DU's.

Option 1C (Slide 14): Multi-family area between Centre and Winchester Streets. Capacity is 563 DU's.

Option 2 (Slide 15): Increase as of right maximum number of units per parcel in T and SC districts from two units to three units assuming no parking minimums and excluding LHD's and CCOD restrictions. Capacity is 5,520 DU's.

Option 2A (Slide 16): Allow three units per parcel as of right in T-5 districts. Capacity is 2,577 DU's prior to open space adjustment.

Option 3A (Slide 17): Commercial edges along Beacon Street west of Tappan Street. Assuming no parking minimums capacity is 768 DU's.

Option 3B (Slide 18): Commercial edges south of Pearl Street including Brook House. Assuming no parking minimums capacity is 2,050 DU's.

Option 4 (Slide 19): Harvard Street commercial corridor and M districts southeast of Stearns Road. Assuming four story buildings and no parking minimums capacity is 7,400 DU's.

Kara Brewton noted that increasing as of right capacity in T districts through the allowance of accessory dwelling units (ADU's) might not meet DHCD compliance guidelines which disregard existing DU's.

Committee members noted that most of the district areas evaluated to date include an array of building styles and scale that would add complexity to formulation of uniform design guidelines.

Three concerns were noted regarding the option of increasing the minimum as of right unit allowance per parcel in T districts from two to three units: (1) this could incentivize demolition of existing buildings especially those below the existing maximum permitted floor area ratio (FAR); (2) additional units would fall below the existing Inclusionary Zoning By-Law threshold and could therefore negatively impact the Subsidized Housing Index benchmark for 40-B development; and (3) the DHCD Guidelines as currently drafted seem to prohibit the Town from imposing a maximum number of occupants per unit which, if only the State Sanitary Code governed, could theoretically allow 8 or 9 unrelated adults in a 1,000 square foot unit.

Additional Compliance Option – M Districts

Committee members requested that Kara Brewton prepare an analysis of an additional compliance option incorporating the following assumptions:

- Land area: all M district parcels within one-half mile of a T stop.
- Eliminate CCOD and Design Overlay special permit restrictions.
- Building height: four stories.
- Reduction of building footprint: (1) surface parking at 1.0 space per unit for small parcels and structured / podium parking for larger parcels (using 20 Boylston St. as benchmark lot size); and (2) open space percentage adjusted for building setbacks for median size parcel.
- Calculate minimum number of units permitted as of right on each parcel to achieve the 6,990-unit threshold.

Committee members also expressed interest in analyzing district option(s) that coordinate the MBTA-CA requirements with recommendations in the recently updated Housing Production Plan.

Public Comment

John Harris expressed support for the Committee's approach in objectively evaluating district options that meet compliance thresholds and recognize community concerns.

Charles Homer expressed support for zoning options that will incentivize additional development of multi-family housing beyond technical compliance with the MBTA-CA.

Adjournment

Meeting was adjourned at 6:15 PM. No formal votes were taken.