



Town of Brookline Massachusetts

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PLANNING BOARD

Steve Heikin, Chair
Robert Cook, Clerk
James Carr
Linda K. Hamlin
Blair Hines
Matthew Oudens
Mark J. Zarrillo

BROOKLINE PLANNING BOARD MINUTES Room 111, Brookline Town Hall October 10, 2019 – 7:00 p.m.

Board Present: Steve Heikin, Linda Hamlin, James Carr, Mark Zarrillo
Staff Present: Polly Selkoe, Victor Panak

Steve Heikin called the meeting to order at 7:00 pm. He asked if there were any members of the public in attendance who wished to make comments on matters not on the agenda. There were none.

PUBLIC HEARING ON PROPOSED ZONING AMENDMENT WARRANT ARTICLES FOR FALL 2019 TOWN MEETING

Polly Selkoe stated that the petitioner for Article 20 would like to request a continuance and that the Board should address that article first.

Robert Zucker, petitioner for Art. 20, requested a continuance to the Planning Board's meeting on October 17.

Steve Heikin moved to continue the discussion on Article 20 to the next Planning Board meeting (10/17/19). Mr. Carr seconded the motion. The Board voted 4-0 to approve the motion.

Article 13 – Allow small accessory ground-mounted solar installations.

Kara Brewton, Economic Development Director and petitioner, introduced herself and the petitioner team and then reviewed the purpose and language of the article, highlighted the need to address new solar technologies, and reviewed the changes made to the article in response to other boards' concerns.

James Carr asked about the reason for the addition of the 10% maximum on the size of ground-mounted solar installations. Ms. Brewton stated it was because of how smaller lots create site constraints and regulatory challenges. Mr. Heikin felt that 10% might be too limiting.

Mark Zarrillo asked what the height limit would be. Ms. Brewton said 15 ft. if it's located in setback areas but otherwise it would be the same as the principal structure. Mr. Zarrillo suggested that the height should be further restricted and that the Board attempt a suggestion on what that restriction should be. The Board

discussed this with input from Scott Englander, an electricity market professional and co-petitioner, and agreed that 12 or 15 ft. would be an appropriate height limit.

The Board also discussed the impact of the 25 ft. setback requirement, which is not present in this warrant article but rather applies from an existing section of the Zoning Bylaw. Board members agreed that this setback requirement is too restrictive but also recognized their inability to change it at this time.

James Carr raised a variety of other issues related to solar access, tree removal, and building code requirements and suggested that all of these issues could be addressed on a case-by-case basis if all ground-mounted solar installations simply required a special permit. Board members agreed with this approach.

Mr. Heikin moved to recommend FAVORABLE ACTION on Article 13, on the condition that the article is revised such that all ground-mounted solar installations require a special permit. Mr. Carr seconded the motion. The Board voted 4-0 to approve the motion.

Article 14 – Require at least 15% of spaces in parking lots over six spaces to be electric vehicle ready.

Scott Ananian, petitioner, presented the proposal and the history of previous attempts. Mr. Ananian also discussed some new relevant state legislation and initiatives, and reviewed changes between previous attempts to pass a similar article and this version.

Board members discussed a few issues with the petitioner including whether existing parking lots would be required to comply (no) and how to define “EV readiness”.

Mr. Heikin moved to recommend FAVORABLE ACTION on Article 14. Mr. Carr seconded the motion. The Board voted 4-0 to approve the motion.

Article 15 – Eliminate minimum parking requirements and establish current minimums as maximum parking requirements for storefront uses in the Transit Parking Overlay District.

Linda Pehlke, petitioner, presented the warrant article and reviewed some changes that had been made in response to other boards’ concerns.

Board members discussed some concerns including how the article would allow businesses to eliminate existing parking and expand the square footage of their businesses and how the elimination of parking requirements might affect employee parking. Ms. Pehlke informed the Board that the Transportation Department offers a commercial parking program to help employees; Todd Kirrane (Transportation Administrator) confirmed the program and provided some details on its operation which seemed to satisfy the Board’s concerns.

Ms. Pehlke stressed that the article will not radically change current conditions but merely codify a practice that has become commonplace – granting special permits to reduce parking requirements.

Mr. Heikin moved to recommend FAVORABLE ACTION on Article 15, on the condition that the article is revised to allow applicants to seek a special permit to exceed the maximum parking requirements. Mr. Zarrillo seconded the motion. The Board voted 4-0 to approve the motion.

Article 18 – Allow short term lodgers under 30 days with conditions.

Scott Gladstone, petitioner, presented the warrant article, highlighted the need for regulations on short term rentals, and discussed some of the objections that have been raised.

Board members asked Mr. Gladstone to clarify why he was proposing this warrant article for the fall Town Meeting when the Planning Department and Building Department are preparing a more comprehensive regulation package for the spring Town Meeting. Mr. Gladstone stated he was concerned that the more ambitious proposal from the Departments will not pass and he disclosed that he is acting on behalf of a client.

Karen Martin, Economic Development and Long-Term Planner, discussed the Planning Department's work on short term rental regulations. She highlighted the comprehensive approach of the Planning Department, issues related to grandfathering, and the need for community outreach.

The Board briefly discussed issues related to enforcement and grandfathering but felt that there are too many serious issues with short term rentals that the simplicity of the warrant article would not address. The Board agreed that a more comprehensive approach is needed.

Mr. Heikin moved to recommend NO ACTION on Article 18. Ms. Hamlin seconded the motion. The Board voted 4-0 to approve the motion.

Article 19 – Allow accessory dwelling units (ADUs) with conditions.

Mr. Heikin provided the rest of the Board with a presentation on the warrant article.

Board members discussed the article for some time, raising some concerns related to how ADUs would interact with detached garages, how ADUs would affect the floor area ratio of properties, whether it's worth including design criteria in the warrant article, and how/whether pre-existing nonconforming properties could get around the provisions of the article.

The Board asked Planning staff to check with Town Counsel on how the warrant article's provisions would interact with pre-existing nonconforming properties (especially as they relate to FAR).

Mr. Heikin moved to continue the discussion on Article 19 to the next Planning Board meeting (10/17/19). Mr. Carr seconded the motion. The Board voted 4-0 to approve the motion.

Materials Reviewed During Meeting: Staff Reports, Zoning Texts, Site Plans, Elevations

The meeting was adjourned.