



# Town of Brookline

## Massachusetts

Town Hall, Third Floor  
333 Washington Street  
Brookline, MA 02445  
(617) 730-2130  
[www.brooklinema.gov](http://www.brooklinema.gov)

### PLANNING BOARD

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

### BROOKLINE PLANNING BOARD MINUTES 3<sup>rd</sup> Floor Employee's Lounge, Brookline Town Hall October 10, 2019 – 8:15 a.m.

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

Steve Heikin called the meeting to order at 8:23 am.

### **DISCUSSION ON PROPOSED BY-LAW (WARRANT ARTICLE 21) THAT WOULD PROHIBIT THE INSTALLATION OF FOSSIL FUEL INFRASTRUCTURE IN NEW BUILDINGS AND SUBSTANTIAL RENOVATIONS**

Polly Selkoe introduced the Board members and staff and then briefly discussed the purpose of the meeting and some recent revisions made to Warrant Article 21 that would involve the Planning Board in administering the provisions of the bylaw.

Zoe Lynn, Sustainability Program Administrator, noted that this was the Planning Board's first opportunity to discuss the warrant article. Ms. Lynn introduced the petitioner, Jesse Gray.

Mr. Gray introduced the purpose of the article and some of the co-petitioners. Mr. Gray then provided the Board with a presentation on the warrant article which highlighted the Town's goals for GHG emissions, some of the important provisions of the article, feedback and changes related to the feedback, the proposed waiver process, and other minor details of the bylaw.

Blair Hines asked about how the provisions would stop an owner from fully renovating a house as several discreet projects, none of which would trigger the bylaw. Mr. Gray said the petitioners considered a "look-back" provision but did not find it worthwhile.

Mr. Hines asked why the bylaw is not triggered by unit, thus applying to condos. Mr. Gray responded that the petitioners were hesitant to overreach and complicate things.

Paul Saner discussed the Economic Development Advisory Board's review of the article and relayed to the Planning Board the 4 recommendations made by EDAB, notably that 1) a waiver process be included that is reasonable and rational and that the waiver process should involve a technical board, 2) the effective date should be pushed back, 3) life sciences and medical buildings should be entirely exempted, and 4) an exemption should be added for cooking. Mr. Gray briefly responded that the petitioners are

willing to make all of the recommendations once they receive documentation showing the need for those exemptions.

Neil Wishinsky discussed the position of the Subcommittee of Advisory on Zoning. Mr. Wishinsky stated that the subcommittee is generally supportive although there is a feeling that cooking should be exempted, renovations may need to be eliminated from the bylaw, the Select Board is not the appropriate waiver-granting authority, and the effective date should be pushed back.

Virginia Bullock, Senior Housing Planner, relayed the Housing Advisory Board's position, noting that the Board has not voted on the article, has discussed the extent to which HAB projects already comply with the article's requirements, and is comfortable with the HAB's current role in the waiver process.

Mr. Gray noted the Preservation Commission voted unanimously to support the article.

Linda Hamlin raised concerns with the waiver process. She did not think the Planning Board had the time to review the waiver applications. She was also concerned that the process would only be available to the upper class, and was more generally concerned about the cost of this article. She noted that the Building Department's position is the most important, since they would need to administer the bylaw. She expressed her support of the concept but was skeptical about the article's readiness for Town Meeting. Ms. Hamlin also noted that if the article were to pass, Brookline would be the only municipality in the country with such an ordinance that applies to renovations. Mr. Gray responded that cost comparisons don't find any significant difference. Ms. Hamlin responded that it's more than just the cost of construction – applicants would need to hire the necessary professionals.

Mark Zarrillo stated he would like more information on any precedents from other places in the country. He emphasized that the most important factor for sustainable buildings is the quality of the building envelope. He raised concerns with how the provisions could be side-stepped. He wanted to see waivers simplified and suspected that the entire warrant article might be unconstitutional.

Mr. Heikin expressed his support for the article, but did not feel that the Planning Board is appropriate for the waiver process.

James Carr asked why the petitioners didn't start with a more simple idea – no new street utility connections. Mr. Gray responded that such an approach would conflict with the building code.

Mr. Carr stated that the article needs to be simplified. Exemptions are too many and too complicated. He was concerned that only wealthy residents would be able to afford the waiver process.

Mr. Hines agreed with the "keep it simple" mantra and suggested the article could start by applying to just new construction. Mr. Hines also suggested that incentives may be more effective. Mr. Carr suggested using the existing Public Benefit Incentives already in the Zoning Bylaw.

Linda Pehlke agreed with the Board members' concerns about clarity and functionality. She also expressed concerns with having a bylaw that only the Building Department would understand. She was concerned about the bylaw's effects on renovations, and suggested that the trigger might better be based on a cost threshold. Mr. Carr and Mr. Heikin agreed with a cost threshold.

Jennifer Dopazo Gilbert indicated that she spoke on behalf of a variety of developers. She requested that laboratory space be exempted, that the requirements of this article be folded into the Public Benefits Incentives section of the Zoning Bylaw, that the waiver process be further clarified, and that the effective date be extended to accommodate a long review by the Attorney General.

Ms. Lynn clarified that an appeal of the article's requirements would follow the same process as waiver requests. Ms. Gilbert requested that the article state this explicitly.

**The meeting was adjourned.**