

**Town of Brookline
Advisory Committee Minutes**

October 10, 2019

Present: Vice-chair Carla Benka, Ben Birnbaum, Clifford Brown, Carol Caro, John Doggett, Dennis Doughty, Harry Friedman, Janet Gelbart, David-Marc Goldstein, Neil Gordon, Susan Granoff, Amy Hummel, Alisa Jonas, Janice Kahn, Steve Kanes, Bobbie Knable, David Leschohier, Carol Levin, Pamela Lodish, Mariah Nobrega, Carlos Ridruejo, Chair Michael Sandman, Kim Smith, John VanScoyoc, Christine Westphal, Neil Wishinsky

Absent: Harry Bohrs, Lee Selwyn, Charles Swartz

Also Attending: Zoe Lynn, Sustainability Program Administrator, Petitioner for WA 14 Scott Ananian, Petitioner for WA 21 Jesse Gray, and Kara Brewton Economic Development Director

The Chair called the meeting to order at 7:30 PM and made the following announcement:

Announcements: Assisted Listening Devices

7:30 pm Possible reconsideration of the Committee’s vote on WA 26 (Rename the Coolidge Corner School the “Florida Ruffin Ridley School”) in response to proposed amendment to Article 26: to see if the Town will vote to retain the name Coolidge Corner School (Beth Kates, TMM Pct. 9)

A **MOTION** was made and seconded to reconsider the Advisory Committee’s vote of No Recommendation on WA 26.

Too many people will interpret the way we voted in a manner we did not intend.

Also, given other comments perhaps we do need to have a larger consensus. Express our view to Town Meeting that we don’t want to get in the middle of these things for those of us who feel this way – perhaps just abstain.

By a **VOTE** of 16 in favor, 5 opposed, and 4 abstentions the Advisory Committee will reconsider WA 26 at a future date.

7:40 pm Discussion of recorded votes at Advisory Committee meetings

Michael reviewed the opinions of previous chairs on recorded votes. If there are a significant number of members who are uncomfortable, the chair would not do this. How many are comfortable having recorded votes (name listed in meeting minutes)

I could be comfortable with it but oppose it because – except on RFT we don't do anything and have no power. Complaint about how conservative the Advisory Committee is – no progressives or liberals. Recording votes will not do anything to dispel that but allow folks to point to individuals to show how people vote.

Hurt our deliberations. We discover things that other people in the public are not aware of and we may vote in a way that appears racist or whatever even though that isn't the case. It will leak into our deliberative process.

This is a matter of public record and anyone could write down the names and how folks vote. As a procedural matter I can't remember who was able to issue a call for reconsideration because no one could remember who voted which way on an issue.

I'm opposed because we publish the votes, and not the full discussion. No one is listening or they are only partially listening to the discussion we have and they are cherry picking what they choose to focus on.

As a Town Meeting Member there are times when we are required to have a roll call vote. It's not always clear why the "Recorded Vote Coalition " calls for a recorded vote, but sometimes it's likely that some people want to get TMMs' votes on the record so they can go back and point to those votes during an election. That is what we (TMMs) have signed up for. It is a requirement that should not be imposed on those who are not TMMs.

I'm in favor in the interest of transparency. Both elected and appointed people should be open to having their votes known.

It is appropriate – in this level of Town government and we have opinions and we should express them freely. Have a recorded vote but use a threshold of like 5 people who want it.

It would be politicizing this group. We are appointed with an intention to get a diverse range of opinions on the AC. It will not add anything to the Town, to the public. At Town Meeting I expect my vote to be recorded.

I think this committee takes grief in social media – accuse us of secret votes – but to the extent that they are politicized I don't feel that it is any different from Town Meeting. When I recommend recorded votes – it is only where we make a recommendation to Town Meeting or a RFT. There is extensive discussion pro and con in the combined reports so it provides context. Thought leaders and influencers in this room, and people look at individuals here and are influenced by how they vote if they know.

We are at a moment where an awful lot of mistrust is being sown toward us and other bodies. It would be a gesture of good faith to have procedures for a recorded vote – not in all instances but some. Determine if it would serve a purpose to have a recorded vote and we can be governed by the same

collegiality in moving things along but also satisfying the public's demand that we be accountable for close votes.

Many times where I haven't remembered close vote outcomes. It doesn't bother me if someone knows how I vote. If we have rules so we are not spending a couple of hours recording votes, only when close, it makes no difference.

I am for transparent government and I think it is important that our votes are recorded, especially those that result in actions/recommendation to Town Meeting. These are public sessions and this makes it easier for someone who didn't attend to learn the votes.

If there were recorded votes, people would focus more on who voted how rather than the substantive issue itself. When we have a recorded vote it is more about someone wanting to know how an individual member voted. And they would use it to build a case why that person should not be reelected to Town Meeting or appointed to a committee. People can read how we came down on an issue and they are only recommendations. People can reach me and find out how I voted if they wish to know. People will be diverted from the conversation and all of the thinking that went into the vote.

Votes won't have context and because it is a recommendation don't know anyone who will be swayed one way or the other by my vote.

People are generally open to hearing arguments and they are persuadable. That is in part because there is no pressure from outside groups that recorded votes might make.

We speak as a body. For those of us who are Town Meeting members our votes are recorded anyway.

Members of a legislative body are accorded confidentiality and we make our best judgement based on what we

On the fence initially but what is our primary role – to give the best most thoughtful and frankest advice that we can give – and if every vote on whatever we are doing is recorded – it may have a chilling effect on our ability to be honest – people will be distracted by the fact that there is time allotted to take that vote – and that process is mind numbing and interrupts the flow of what we are doing. Negative impact on the quality of advice we are giving. OK for RFT but as a routine part of all our deliberations will have a deleterious effect.

I read reports to get a comprehensive look at the topic and then I would have to match that up with what I was hearing from Town meeting members so I still had the opportunity to make my own decision. Assign a value to why a person made a vote, rather than understanding the substance of the issue.

The Town Moderator's role is politicized by this, as well.

To get a sense of the feeling of the room, a straw poll was taken and resulted in 8 in favor, 15 opposed. We could have a recorded vote if we moved to do it and it was voted. But the question would still come up as to why for some and not for others.

8:15 pm Overview of warrant articles to address the impact of climate change and possible steps and strategies to reach Brookline's goal of zero greenhouse gas emissions by 2050 (Jesse Gray, TMM Pct. 10)

Jesse Gray, co-petitioning 3 Climate Change articles this fall and excited about the response. This presentation will focus on climate and emissions reduction.

1. **The nature of the problem:** 2/3 of emissions are associated with buildings and roughly 1/3 comes from transportation. The Town has clarified our thinking through a goal – 0 emissions by 2050. It means we have to stop burning stuff. We can't succeed if we continue to burn fossil fuels. One strategy – personal – we electrify everything and clean up the grid – that is how I am thinking about it.
2. **The process and how it has changed:** with the hiring of Zoe Lynn, we entered a new phase of planning to meet the Town's goal and what has happened so far about half a year ago - Zoe hosted a climate summit attended by many folks – 160 people – it was a brainstorming session and participants considered major buckets of issues and corresponding buckets of solutions. Small number of working teams that evaluated ideas – public buildings, non public buildings, transportation, then filtered ideas and initiated the warrant articles we have before us. It represents a refinement of the process facilitating higher policy on climate.

Zoe Lynn: Jesse did a great job – categorized in 4 buckets –buildings, transportation, the grid, biosphere – tree cover, and how we consume and dispose of waste. How do we understand the issue of climate change? Culture and planning institutions, science and literature have helped us over the years. How do we address this issue – this “wicked challenge” – it is an emotional issue that crosses geopolitical lines, solutions aren't always clear, sometimes controversial and require integrated planning. Climate Change is like addressing the plastic garbage patch in the oceans - requires that you are constantly comfortable on the edge, asking for feedback, ensuring lots of engagement and constantly editing the next steps. The process began with the summit to get all perspectives, smaller working teams to generate WA and budget items, doing in small steps we can manage incrementally –communities struggle with this type of change. Bring in as many people as possible and do it in small steps and be prepared for technological developments and advances.

3. Thoughts on improving the process: What lenses might be helpful – raw emissions reduction that you get from a policy; practicality of that policy; we are a long way from solving this problem – daunting goal for us to achieve in Brookline and we don't have all of the answers now and if we evaluate only based on the chunk of emissions that is removed, we will miss out on solutions that are possible through experimentation and technological development.

What could the role of this committee be, for example? We focus on finance and operations and need to hear about the impact on budget, costs, homeowners, etc.

Believe it would be easier to drill down on these in each individual warrant article.

There was a question of the cost as compared to what? Base case – is it status quo or is it the emissions reduction?

Accepting the need, what does it take to get there in dollars and cents? What are the consequences of getting there?

How do we make the grid resilient?

Comment: Cost benefit or investment analyses – what is the dollar amount you want to invest in X – electrify buildings for example. That investment will impact our ability as a Town to attract other investment.

Say you project we can get a 10% reduction in carbon emissions if we do X – what are the other ways to get the reduction and their relative costs. Everyone at this table is supportive to resolving the climate change issue it is only how do we get there in a financially responsible way where we are cognizant of the competing needs.

Comment: Boston and New York have done analysis and did the drilling down. Maybe we should be modeling on what comparable communities do. We don't have those resources in Brookline. So what are we going to do?

Response: Commitment toward this goal and passion and energy and we have expertise like nowhere else. What we propose is to put together working teams to bring forth the best analysis we could on a volunteer basis. Enormous amount of work but maybe not as much this group needs... some questions can be answered, but some warrants it would not be possible because the policy has not even been set. Some cannot be quantified but we have some assumptions. How far do you go when you don't know the cost both financial and the unintended consequences?

One municipality didn't stay current on major trends and put 8 billion in a particular coal power plant – didn't recognize that regulations weren't keeping up with the community. The change comes another way and you can still run the risk of being financially irresponsible.

There are programs that we could avail ourselves of – qualify for grants – we are in a bootstrap situation still need to find the resources to deal with this issue.

We are moving forward with schools – schematics – going back and redesign (costs) – didn't bring in the skill set in the design team and they learned on the job – constantly sending them back (learning on the job).

Comment: My understanding of what we were going to do was get overview of Warrant Articles and how they respond to climate change and what would be coming down the path.

Comment: Talking about the big picture but giving information in bits and pieces – knowing tomorrow’s technology will also save us money. Not just the Town – as a tax payer and condo owner, what are the consequences for my very old building.

8:45 pm WA 13 - Ground Mounted Solar Installations (Department of Planning and Community Development)

Carlos Ridruejo gave an overview of the Planning and Regulation Subcommittee’s review of WA 13 which is captured thoroughly in the subcommittee’s report.

Warrant Article 13 seeks to amend Section 4.07 of the Town’s Zoning By-Law to allow Accessory Ground Mounted Solar Photovoltaic Installations. If passed, this zoning change would allow smaller ground-mounted solar installations on private properties. Ground solar installations with a nameplate capacity up to 50 kW DC would be added to Use 61 in the Table of Uses, which allows accessory structures, such as sheds or greenhouses. Installations with a nameplate capacity smaller than 10 kW DC would be allowed as of right as long as the siting meets all the setback requirements for accessory structures and are setback at least 25 feet from all lot lines. Ground-mounted solar installations with a nameplate capacity between 10 and 50 kW DC would require a Special Permit.

The subcommittee agreed this was a worthy effort toward the Town’s climate goals. Worked with the petitioners and came up with an Amended article.

This builds upon the regulation of where you can put a shed and this follows the same rule. A solar array can be no larger than 10 KW hours and what does that look like? The Subcommittee focused on regulating the visual impact of these solar arrays and so it looked at more dimensional size from a zoning perspective. Let’s translate 10 KW hours to a size. Think of it as a shed but instead it is a solar array. Creating something that was equivalent and not an expansion. This is the envelope.

This will allow you to put it somewhere if they can’t have it on their roof. This is the right dimension. As time goes by you will continue to get more and more electricity from that space.

Q: Is there a height limitation? A: Yes 15 feet. 30 feet is the common height for an accessory thing.

Q: Free standing or attached to a structure? A: A shed.

Permits are given for solar arrays on roofs, a car port with solar panels, four poles with solar panels is not allowed. Ground mounted solar are not installed on a roof.

Q: Will these be allowed in historic districts? A: Yes but only if Preservation approves them and preferably not viewable from the street.

Q: Can you have a shed plus solar array separately? A: Not aware that there is a limit to accessory structures but cannot take up more than 25 % of lot area.

Q: Are there any tax consequences – assessments? A: Solar is exempted from property taxation.

Q: Can you put solar in a driveway? A: Accessory structures including these would not be allowed in required front yards.

Q: To completely provide electricity for a house how many square feet would you need? A: depends on how big the house is (the size of an installation the size of a two car garages should provide enough)

Planning Board would want a special permit for all of this. A combination of reasons – what do these things look like, who will have them, what will they look like in different neighborhoods, not sure about maximum height, etc.

Q: Will the Special Permit requirement be a deterrent for those who want to do it? A: Yes.

Q: Does Massachusetts have a solar shade law? A: Allows communities to have one but no requirement.

Q: Concerned this will discourage people from doing this if they have to get special permits. Is there any way the PB can expedite these requests so they don't have to sit through a whole Planning Board meeting. A: Typically takes 6 weeks. Try to put these cases in in the beginning of the night but doesn't always work.

This is low hanging fruit compared to others and because of size and set back and this will happen in bigger lots but make it as easy as possible for this to happen. Don't agree with special permit for everyone.

A **MOTION** was made and seconded for favorable action on an amended and revised WA 13.

By a **VOTE** of 21 in favor, 1 opposed and 2 abstentions, the Advisory Committee recommends favorable action on WA 13.

To see if the Town will amend the Zoning By-Law by amending Section 4.07 – Table of Use Regulations – to allow small accessory ground-mounted solar infrastructure in a similar manner as sheds, by adding text in the description of Accessory Use 61 in the Use Table, underlined below:

61. Non-commercial greenhouse, tool shed, ***Ground-Mounted Solar Photovoltaic Installation***, or other similar accessory structure.

To be considered an accessory use, Ground-Mounted Solar Photovoltaic Installations may not exceed 2,500 square feet of above-ground lot area nor exceeds 10% of the lot area, whichever is less, and shall be subject to use regulations described in Section 5.06.4.h (3-13) and the Town's Storm water Management By-law. Additionally, in all districts, Ground-Mounted Solar Photovoltaic Installations that exceed 500 square feet of above-ground lot area requires a Special Permit.

* Special permit required if in excess of 150 square feet of gross floor area except for Ground-Mounted Solar Photovoltaic Installations not attached to non-commercial greenhouse, tool shed or other similar accessory structure.

9:30 pm WA 14 - Zoning for Electric Vehicle Parking (C. Scott Ananian, TMM Pct.10) design the program.

Neil Wishinsky gave an overview of the Planning and Regulation subcommittee's review of WA 14 the substance of which is thoroughly outlined in its report.

Building code has a set trigger for parking lots at 15 parking spaces and if 15 or more you need to put in 15% of the spaces that need to be EV ready (2 in a 15 space lot)

Petitioner Ananian added that Planning Board voted favorable action on the language voted by the subcommittee.

Q: Does this apply to surface lots or garages? A: Both. Concerns were raised about the cost. It was noted that the laws allow for exceptions and they are available in certain situations.

EV Ready is a parking space that has an outlet.

Q: Did you consider using a carrot instead of a stick? A: Open to using any tools available. Not sure there is money for carrots – goal is getting the Town toward 30% EV ready.

Q: If someone owned 20 spaces, is there some way to split that into two lots so they are not subject to this? A: Yes you can combine or split however you want.

Q: Condos and deeded parking spaces – 100 unit building, 200 spaces and 30 will need to be EV ready, and who gets them and how does it work if deeded? A: It is up to the language of the condo association's agreement.

Q: If non-electric cars can use the spaces will they be available for what they are intended? Why aren't they restricted? A: Certain things the Town shouldn't allocate or legislate but rather the property owner can make those choices.

Discussion about what happens with conversions vs new construction.

A **MOTION** was made and seconded for favorable action on Warrant Article 14.

By a **VOTE** of 24 in favor, none opposed and no abstentions, the Advisory Committee recommends favorable action on WA 14 as amended.

To see if the Town will amend Section 6.04 of the Zoning By-law (“Design of All Off- Street Parking Facilities”) by adding a new paragraph 15, as follows:

§6.04.15 – ELECTRIC VEHICLES

15. For Parking Areas, Non-residential and Residential, with 15 or more parking spaces, at least 15% of the total parking spaces, and not fewer than two parking spaces, shall be EV Ready Spaces. The definitions of EV Ready Space, Electric Vehicle, and Electric Vehicle Supply Equipment (EVSE) are as defined in the latest edition of the Massachusetts State Building Code. For additions and renovations to existing buildings, exceptions to this paragraph shall be consistent with the latest edition of the Massachusetts State Building Code.

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 9:51 pm.

Documents Presented:

- Comments shared previously regarding recorded votes
- Memo to Select Board, July 9, 2019 from Zoe Lynn, Sustainability Program Administrator
- Planning and Regulation Subcommittee Report on WA 13
- Planning and Regulation Subcommittee Report on WA 14