

**Town of Brookline
Advisory Committee Minutes
October 13, 2022**

Meeting Recording:

https://brooklinema.zoomgov.com/rec/share/8eWeX3cpzbW_DOTUasDses_xX4Ege8v4NymE61YxqmrYcgeL_7Nn4TL3gDxbk4c0.sbyVq5WGNOQ8jYAm?startTime=1665701512000

Passcode: .Qtcy2a0

Present: Ben Birnbaum, Clifford Brown, Patricia Correa, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Kelly Hardebeck, Anita Johnson, Alisa Jonas, Janice Kahn, Carol Levin, Pamela Lodish, Joslin Murphy, Donelle O’Neal, Linda Olson Pehlke Markus L. Penzel, David Pollak, Stephen Reeders, Carlos Ridruejo, Lee Selwyn, Alok Somani, Carolyn R. Thall, Christine Westphal

Absent: Harry Bohrs, Amy Hummel

Also Attending: Select Board Chair Heather Hamilton; Deputy Town Administrator for Policy and Fiscal Affairs Melissa Goff; Director of Public Health Sigalle Reiss; Petitioner for WA 33 Nathan Shpritz; Perry Grossman, Antonia Bellalta, John Bowman, Jenny Lewis, Carla Benka and other members of the public.

The meeting was called to order at 7:00 PM.

Announcements: Pursuant to this Board’s Authority under 940 CMR 29.10 (8), all but one of the committee members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chair has reviewed the requirements of the regulations. There is a quorum physically present and all votes taken will be recorded by roll call so all above listed Advisory Committee members will be allowed to vote.

7:00 pm **Public Comment** – There were no public comments.

7:15 pm **Public Hearing followed by a Public Meeting to Review, discuss and possibly vote on WA 5: Amend Article 2.5 of the Town’s General By-Laws to reduce the requirement for recommendations on all warrant articles (Select Board)**

Kelly Hardebeck gave an overview of the impetus behind this Article the text of which and rationale for is included below. The Select Board recently piloted a process where they chose to make recommendations on a limited number of articles on the warrant during the 2022 Annual Town Meeting. The Board deemed this experiment a success as it allowed them to focus on warrant articles that directly affected their work instead of holding hearings on articles that were not germane to their interests and authority. This article amends the general by-laws so that they can continue this practice.

Heather Hamilton noted that this is a very small change and offered to answer any questions. Melissa Goff added that there is often duplication. Saves time at meetings and also limits report writing to allow for other business to get done.

Discussion, Questions and Comments

Comment: Given that the Select Board is still required to hold a public hearing, the reports are written by Staff, they can easily take a position and vote yes or no, and a report can simply indicate the vote, it is unclear how this saves any time.

Heather Hamilton replied that the Board chooses not to take a position so they do not have to hold a public hearing on each article. One hearing is held at the start of the Warrant season, everything is reviewed, and then those they want to take a position on they will schedule additional public hearings. This has been approved and reviewed by the Town Moderator and Town Counsel, although the commenter felt this was a misreading of the bylaw, which appears to call for a public hearing on every warrant article.

Q: Piloted having Select Board members come to various Departmental Budget Hearings. Can you offer feedback on that and if you would be doing the same for warrant articles in the future? **A:** It didn't go the way we hoped. We were trying to stay on top of everything that was going on which Melissa does a great job with. Also find it better for the 5 of us to hear the same information at the same time and have our deliberation.

Q: Will Select Board members take a vote at Town Meeting or just abstain? **A:** They can still vote at Town Meeting or abstain. They will have to sign up with the Town Moderator as necessary.

Q: Last year the joint meetings between Select Board and Advisory were helpful to keeping us in sync despite some timing conflicts. Do you see us carrying on with joint Select Board and Advisory Committee meetings? **A:** Heather noted that she believes that it might be useful. Everyone hearing the same information at the same time is much more efficient.

Chair Doughty added that when we have worked together the results have been successful.

Q: Would this also apply to the Advisory Committee? **A:** Yes, but you can choose to do what you like to do, adhere to the process you have in place or not.

The public hearing ended and the Advisory began their deliberations on Article 5.

DISCUSSION

Comment: Believe there is some importance for the knowing how the executive body of the Town feels about warrant articles. The public only has two opportunities to discuss these warrants – public comment at the Select Board and at Advisory subcommittees. Not only would we not know how the Select Board feels about an article but the public doesn't get to comment in a forum that is public, given that many do not appear at Advisory subcommittees, but know about hearings before the Select Board, especially as they are televised or live streamed..

Melissa Goff noted that there are plenty of opportunities for public to offer opinion and also to learn the thoughts of the Select Board.

Heather Hamilton also responded. Disagree that members of the public only get 2 opportunities to weigh in – the subcommittee, the AC public comment, Select Board public comment, and at Town Meeting. The explanations from the Select Board weren't really critical to read, but really a reflection on how overburdened staff is. Acknowledge we

don't do it well but difficult to take on so many articles but we can decide on how many to weigh in on. When you are selective on what you weigh in on people tend to pay more attention to what you are weighing in on.

Comment: If we can make this process more streamlined I fully support.

Comment: Take a more practical stance and we need someone to say, the buck stops here when we have to decide about priorities.

Heather responded that they have come up with parameters so the SB will be weighing in on articles that fall under their purview. There is a difference between lifting an embargo in Cuba and turf, for example.

Comment: (This selectivity) Diminishes the importance of some warrant articles and articles are important to the petitioners. The bylaws speak to the authority of the executive. Residents are entitled to hear what they think on an article. Sympathetic about the work load and hope there may be some other protocol to drafting reports.

Comment: The Executive is obligated to weigh in, hear from the public and identify unintended consequences. Regarding Combined Reports you can find explanation of petitioner, report of the AC and report of the SB and the redundancy is stunning. The work that is done by the subcommittees and the amendments that take place to articles through this process, so they wait until the AC has made a final report. Review the AC report, and just concur or refute. Don't restate the motion; don't report the pros and cons again, but just weigh in. The public doesn't understand, see, know or care about the Select Board's decision about X, Y and Z. More people will be looking for a select board recommendation and it won't be there.

Comment: Select Board members do have an obligation to those who voted them into their positions. We cannot control how many articles are submitted annually. Perhaps the Select Board could set a policy so resolutions are not treated with the same force as bylaws. Some resolutions seem to be end runs around more formal bylaw changes and it may soften the burden on both bodies.

Heather noted that resolutions were the largest chunk of what we excised.

As I understand this change it gives the Select Board the ability to do, but doesn't require them to do it so if they did have to weigh in, they could. Holding a preliminary hearing to discuss all articles and determine which ones they want to weigh in on. It would give the public an opportunity to make their case or convey their sincere concerns and explain why it should be considered. Under those circumstances it makes sense to give them the flexibility to do that. I don't think they will opt not to consider zoning bylaws for example.

The Chair noted that he and Melissa did try to streamline information and standardize a presentation of where there were amendments and hope that was helpful. Will try to continue to move that forward. The Select Board embraced the proposal you presented – the Select Board weighed in on fewer articles. What push back or feedback did you get from the public?

Heather only recalls only a few threads on the Town Meeting list serv and that was the biggest push back. There were a few situations where we weren't going to take a position but then changed our mind. Always waiting until the deadline to be sure we were reviewing the most recent version.

A **MOTION** was made and seconded for Favorable Action on WA 5 as presented in the warrant. By a **VOTE** of 20 in favor, 5 opposed and 1 abstention, the Advisory Committee recommends favorable action on WA 5.

7:30 pm Review, discuss and possibly vote on WA 33: Amend Article 4.07 of the Town's Zoning By-Laws to allow for bee keeping (Shpritz)

Anita Johnson offered the subcommittee report on behalf of the Land Use, Zoning and Sustainability Subcommittee. The full report is linked at the end of these minutes. The purpose of this Warrant Article is to make it easier to qualify for keeping bees, by reducing the minimum distance from a neighboring structure required by Zoning By-Law Table 4.07 – Table of Use Regulations from 100 feet to 20 feet. The purpose of the Warrant Article is to encourage beekeeping because bees, of course, produce honey, and they are critical for pollinating the plants in our ecosystem – our gardens, wildlife habitat, and fruit and vegetable crops. Bees forage from one to five miles from their hives, so that individual beehives provide benefits for a broad area. The reduction in distance requirements is consistent with recent changes for beekeeping in Boston, Cambridge, and Somerville.

The subcommittee made two amendments, both of which were accepted by the Petitioner. These amendments are shown below:

57A. The keeping of bees (**species Apis Mellifera**), provided that no hive may be less than 20 feet from any window, door, or other opening in any structure on any other lot; and further provided that no hive be within six feet of any lot line or placed in a location visible from the street; and subject to **such requirements as may be imposed by the Director of Public Health of the Town of Brookline, including, but not limited to**, requirements as to number, location and size of special structures and enclosures.. No beehive shall be placed upon a lot nor retained on a lot without a current permit provided by the Director of Public Health of the Town of Brookline.

The subcommittee voted for Favorable Action on the Warrant Article as amended 4 in favor, 1 against, no abstentions.

The Petitioner said that the report was very thorough. The amendment was friendly and worked out collaboratively. He brought this warrant to facilitate the process.

Director of Public Health Sigalle Reis said that these are guidelines and we are always open to reviewing and refining.

Discussion, Questions and Comments

Q: Are Board of Health regulations aligned with best practices of Beekeeping Association? **A:** Not an expert on beekeeping but again, our guidelines are flexible.

Comment: Do not think we should be changing zoning until we have improved public health guidance. Beyond Mass Beekeeper Association guidelines there are Watertown bylaws and they dealt with issues about how to properly site the beehives. See pages 6 and 7 (lot sizes and distances, etc.) of Watertown regulations. I would like to have these things more spelled out before we make these changes to our Zoning. We also don't know how many people will want to have beehives once we make this change also.

There is no public hearing – the people who are notified are the immediate abutters. There might be some nervousness in the community so would be good to have a hearing.

Comment: Feel confident that Sigalle will do her best to incorporate the best practices into the guidelines.

Sigalle added that we can change our guidance document to reflect best practices. But would want to look at other communities regulations and engage with beekeepers and that would be a longer process, and one of many the Department is currently juggling.

Comment: Don't see any reason to prevent few people who want to do this as soon as they can until we get more regulation.

Comment: Neighbor who had bees and for years no problem. Maybe a dozen hives and we get honey. All of the sudden at our swimming pool, we had a lot of bees. Guests were stung. Wondered why the flight path had altered. The response was that they could be killed as necessary. Average life span is about 14 days. Situation was that their own water source was dried out and so they went in search of water which was our pool.

A **MOTION** was made and seconded for Favorable Action on WA 33 as amended by the subcommittee. By a **VOTE** of 21 in favor, 3 opposed and 2 abstentions, the Advisory Committee recommend favorable action on WA 33.

7:55 pm Other business

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 8:35 pm.

Documents Presented

<https://www.brooklinema.gov/DocumentCenter/Index/3089>

- Keeping of Animals App - Bees 2022_202203071902446058
- Keeping of Animals regulations
- Memo to AC Subcommittee WA 37 Zoning Bees
- Petitioner Questionnaire - WA33- Beekeeping Zoning By Law Amendment
- Zoning by law amendment bees - 1.1
- bee-bmps
- 2022 Land Use Subcommittee Report and Recommendation WA 33 v1
- Keeping of Hens and Honey Bees Regulations April 20, 2016 (PDF) - Watertown

VOTES

	Vote 1	Vote 2
# Votes Yes	20	21
# Votes No	5	3
# Votes Abstain	1	2
Vote Description:	MAIN MOTION: FAVORABLE ACTION on WA 5	MAIN MOTION: FAVORABLE ACTION on WA 33 as amended
Ben Birnbaum	Y	Y
Harry Bohrs		
Cliff Brown	Y	Y
Patty Correa	Y	Y
John Doggett	Y	A
Katherine Florio	Y	Y

Harry Friedman	N	Y
David-Marc Goldstein	Y	N
Neil Gordon	N	Y
Susan Granoff	Y	A
Kelly Hardebeck	Y	Y
Amy Hummel		
Anita Johnson	Y	Y
Alisa Jonas	Y	Y
Janice Kahn	Y	Y
Carol Levin	Y	Y
Pam Lodish	Y	Y
Joslin Murphy	N	Y
Donelle O'Neal, Sr.	Y	Y
Linda Olson Pehlke	N	N
Markus Penzel	Y	Y
David Pollak	Y	Y
Stephen Reeders	Y	Y
Carlos Ridruejo	N	Y
Lee Selwyn	A	N
Alok Somani	Y	Y
Carolyn Thall	Y	Y
Christine Westphal	Y	Y
Dennis Doughty		