Members: Roger Blood, Steve Heikin, Michael Jacobs, Bill Madsen Hardy, Jonathan Klein, Jennifer Raitt, Rita McNally

Staff: Virginia, Bullock, Edward Bates, Joe Viola, Zoe Lynn

Guests: Robert Zuker, Patrick Dober, David Lescohier, Wendy MacMillan

Members of the Public: Henry Winkelman, Lisa Cunningham, Joan Lancourt, Bob Lepson

Roger Blood called the meeting to order at 7:34PM

1. Approval of minutes from October 1, 2019 HAB meeting

HAB members VOTED unanimously to approve the minutes from the October 1, 2019 meeting with revisions.

2. Update on Housing Needs Assessment for HUD Consolidated Plan 2021-2025

Eddie Bates updated the HAB on the 2021-2025 HUD Consolidated Plan’s Housing Needs Assessment for the Town. Eddie provided them a sheet which outlined the process the Town has taken to gain information for the assessment. He also presented a current list of housing needs in Brookline. He asked members to provide comments and asked if there have been any specific changes over the last five years regarding housing needs. Members were generally favorable of the list of current needs but added that affordable housing for families should also be included.

3. Public Hearing on Warrant Article 20: Amend the Town’s Zoning By-law to allow Micro Unit Dwellings in the Coolidge Corner General Business District

Robert Zuker, petitioner for Warrant Article 20, stated that the proposed article would allow the construction of micro-units in Coolidge Corner. Micro housing units (under 500 sq. ft.) were newly defined in the Zoning Bylaw several years ago in the creation of the Emerald Isle Overlay District. Inadvertently, this newly defined use for one district resulted in that use being unauthorized in all other zoning districts.

Mr. Zuker noted that he would like to bring these units to Coolidge Corner as they attract young professionals and the neighborhood would benefit from more residents in this age demographic. Micro-units also afford the Town a better diversity of housing stock, lower cost rental units, and an eco-friendly housing alternative.

Mr. Zuker discussed that the proposed by-law has the same parking requirements as in the Emerald Isle Overlay District, i.e., up to half a parking space per unit. However, instead of the by-law providing a minimum parking requirement, as at present for all other housing uses, there would be a maximum requirement for micro-units. Article 20 also includes an additional provision which would have one bike space per unit.
Mr. Zuker added that current regulations in G Districts require that the first floors in buildings must be utilized for commercial space. Article 20 would allow a waiver for the commercial space if it is utilized for amenity space in micro-unit buildings as long as the building is not located on Beacon or Harvard Street. He explained that since the micro-units do not provide for additional swing space, amenity space such as a community room or a larger kitchen is important for tenants.

Mr. Zuker discussed that he has a letter of intent for a long-term lease at 25 Webster Street where he proposes to develop a building with predominantly micro-units.

Members continued discussion on elements of the warrant article. Jonathan asked Mr. Zuker why he is not proposing in the warrant article to allow the development of micro-units town-wide. Mr. Zuker replied that he would like to broaden the geography throughout Town, but it would be best to start in Coolidge Corner, which is a district where micro-units would be especially appropriate. Roger agreed with his statement.

Virginia noted that 2/3rds of the households in the Greater Boston area are single family households and this type of development would be very good for commercial areas such as Coolidge Corner.

Steve stated that he is generally in support of micro-units, especially in Coolidge Corner, as this type of development would allow new construction without the parking requirements that currently make it difficult for developers to build upon one-story commercial buildings.

Members further reviewed elements of the warrant article and noted that it would also be discussed at other board and committee meetings. HAB members expressed general support for Article 20, but would prefer to take a final vote only after it has been discussed at other meetings and possible changes have been made.

Steve recommended that Mr. Zuker clarify the definition of micro-units in Article 20 such that a micro-unit building is defined as having 75% or more micro-units. Mr. Zuker stated that he would work with his lawyers to edit this section.

Roger Blood MOVED and Jonathan Klein SECONDED

VOTED: HAB supports micro-unit dwellings as a means of providing a greater range of housing affordability, diversity and choice. The HAB conditionally favors the proposed Warrant Article 20 subject to further examination by the Planning Board and other interested parties.

ALL APPROVED

4. Further discussion and possible vote on Warrant Article 21: Adoption of a new General By-law prohibiting new fossil fuel infrastructure in major construction

Roger noted that the warrant article’s petitioners and the Brookline Housing Authority (BHA) have been discussing changes to the bylaw to include mutually agreeable language that would recognize the special status and limited resources of the BHA in lieu of an outright exemption, as previously contemplated by the HAB and the BHA.
Patrick Dober, Executive Director of the BHA, said that a more recent draft of the by-law does not specifically reference the BHA, but allows for possible waivers on any housing development which is 50% or more affordable.

Roger added that the latest draft contemplates, in lieu of a carve-out for affordable housing projects, the establishment of a “Technical Review Committee” which would consider waiver requests for all types of development, including affordable housing. This one-stop procedure would replace the prospect of requiring an applicant to seek approval from multiple committees and boards. The HAB would be represented on this committee and its role will be largely based on their expertise in financial assessment.

Roger asked HAB members if they would be ok with the Technical Review Committee concept if it would assure adequate HAB/affordable housing representation, in lieu of a requirement that the full HAB be a part of the formal waiver-seeking process. HAB members expressed agreement with this alternative.

Jesse Gray, a co-petitioner for Warrant Article 21, stated that new proposed changes to by-law are now being reviewed by Town Counsel.

Steve Heikin said that this topic was discussed at a recent Planning Board meeting in which Neil Wishinsky noted that the Select Board would not be technically prepared to be the body of last resort in this process. Mr. Gray further said that Mr. Wishinsky is currently drafting a new proposal for the waiver process and this is the next step in the warrant article process.

Roger Blood MOVED and Steve Heikin SECONDED

VOTED: The Housing Advisory Board (HAB) conditionally supports Warrant Article 21, which would mandate that newly constructed and substantially renovated buildings in Brookline be constructed without any new onsite infrastructure for providing fossil-fuel-based energy.

At this date, several key provisions of the final version of Article 21 have yet to be finalized. Therefore, the HAB’s statement of support is conditioned upon:

1. A waiver-appeal process that provides clear and reasonable criteria and is not unduly burdensome to the applicant that is seeking to develop or preserve/renovate affordable housing;

2. A waiver-appeal body, whether existing or newly created, that includes sufficient representation on behalf of the HAB’s mission to create and preserve affordable housing in Brookline.

3. An effective date after approval by the Attorney General that provides a reasonable period, given the advance timeline for planning and implementing any project that includes affordable housing.

ALL APPROVED

5. Public Hearing on Warrant Article 9: Resolution pertaining to the establishment of a real estate transfer tax (RETT)
David Lescohier and Wendy MacMillan, co-petitioners for Warrant Article 9, both spoke and provided a presentation to the HAB which outlined the need for a real estate transfer tax in Brookline to support affordable housing. Mr. Lescohier also offered the HAB details on what a real estate transfer tax could look like in Brookline. He also explained the benefits and aims of such a tax, and then discussed the process for Brookline to establish an local RETT.

Patrick Dober from the BHA spoke about language he drafted to be included in the Warrant Article and explained that without more funds, public housing will eventually become unsustainable. He added that 61 Park Street and 90 Longwood Ave, both federal properties, will begin less complex renovations soon. State properties such as Egmont, Veterans and High Street will also require major renovations in the near future and will need millions of dollars to accomplish this. Federal properties have the RAD program, which allows a funding source for renovation, but a similar program does not exist for state properties.

Roger asked Mr. Lescohier if he approves of the language drafted by Mr. Dober. David stated that he is fine with it.

Mr. Lescohier explained that in order for a revised warrant article to be submitted to the Town Moderator for approval, he will need a Town Meeting member to file a motion. He asked HAB member Rita McNally to do this. This task needs to be completed by November 13th.

Virginia said that she conducted some basic research on this topic and provided the HAB with copies of Home Rule legislation submitted by a number of other Towns on this subject. She had a conversation with Tommy Vitolo, State Representative, who explained to her the process the legislature may take with this type of legislation. Virginia also has a call into Senator Creem’s office to provide the HAB a broader perspective on this topic. Furthermore, she spoke with Gary McCabe, Town Assessor, who can provide an estimate of prospective RETT revenues, but would need to have clarification on possible exemptions.

Roger stated there is currently a Study Committee authorized last year by Town Meeting that is presently exploring the possibility of an RETT-funded land bank that would support affordable housing, together with greenspace and school buildings. This study committee will be making its recommendations to the Select Board in the next month or so. He asked Mr. Lescohier what is the relationship between the study committee’s work and Warrant Article 9. Mr. Lescohier noted that he was original petitioner for the land bank article and that, in his view, there is no contradiction between the study committee’s work and Warrant Article 9.

Mr. Lescohier explained that Warrant Article 9 is a resolution, not legislation. The current goal is to gain a home-rule exemption for Brookline from the Commonwealth and once that is approved, specific language for the legislation can then be created which will eventually require a referendum and approval by Town-wide voters.

Jonathan said that he was overjoyed by this warrant article and that it is crucial to the Town to have a real estate transfer tax to support affordable housing. He recommended that the HAB endorse Warrant Article 9.

Jennifer noted that she is generally supportive of the warrant article but she still has some questions and recommended that the HAB receive further information before taking a formal vote.
Roger suggested the HAB might immediately express its general support for a real estate transfer tax as a mechanism for funding affordable housing, but to defer a formal vote to endorse Article 9 at this meeting, but based on receiving some further information, possibly voting a more specific recommendation at its November 12th meeting.

6. UPDATES

Steve provided an update on the Planning Board’s review of Warrant Article 19. First, he discussed that when working within the building envelope, that both the space in the primary building and a garage are treated similarly as it relates to the limits on floor area ratio. Also, they recommended changing the section on “exterior alterations” to keep the language simple as materials such as roof pitch, trim, and windows are typically included in an analysis of design.

Virginia mentioned that another Chapter 40B application has been received for a project on Kent Street.

Roger stated that at the November 12th meeting, Welltower, the owners of the former Newbury College site, will present their proposed senior housing and assisted living project to the HAB.

The meeting was adjourned at 9:50PM