

**Town of Brookline  
Advisory Committee Minutes  
Thursday, October 19, 2023**

**Present in Person or on Zoom:** Michael Berger, Paul Bernard, Ben Birnbaum, Clifford Brown, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Perry Grossman, Kelly Hardebeck, Amy Hummel, Alisa Jonas, Carol Levin, Joslin Murphy, Donelle O’Neal, Linda Olson Pehlke, Markus L. Penzel, David Pollak, Stephen Reeder, , Lee Selwyn, Alok Somani, Carolyn R. Thall, Christine Westphal

**Absent:** Carlos Ridruejo, Pam Lodish, Harry Bohrs

**Also Attending:** Town Administrator Charles Carey, Director of Planning & Community Development Kara Brewton, Senior Regulatory Planner Maria Morelli, Town Counsel Joe Callanan, Associate Town Counsel Jonathan Simpson, Select Board Members John VanScoyoc and Paul Warren, Diana McClure, Jonathan Klein, Rachel Goodman, Katha Seidman, Michael Rubenstein, Arlene Hill, Carla Benka, Richard Benka, Arlene Hill, Laura Knott, Zippy Ostroy, Karin Weaver, Brenda Hochberg, Bob Van Meter, Dru Greenwood, Kristine Knauf, Bonnie Bastien, Fran Perler, Roberta Falke, Jessica Ryan, Anthony Flint, Stephanie Ebbert, Richard Nangle, Ben Dubin, Ken Liss, Al Raine, Awat Teame, John Bowman, Judy Selwyn, Paul Saner, Deborah Brown, Barbara Gutman, Jenny Lewis, Rhoda Goodman 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 of the committee members will be participating remotely via telephone or video conferencing due to emergency regulations regarding the Corona virus. The Chairman 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.

**PUBLIC HEARING**

**7:00 pm**            Public Comment

Katha Seidman, Brookline for Everyone Board Member, speaking for herself. Noted the recent Yes in Brookline and Brookline By Design agreement. Applaud the courage of the two groups forging common ground. Cited and quoted from the from JFK Crossing Businesses re MBTACA Article, which is linked below. Urges the AC to support the STM 4, Article 1.

Michael Rubenstein offered a brief presentation, Analysis for STM 4, WA 1, linked below.

Rachel Goodman, former Town Meeting Member, lives in Precinct 8. I am a former Tenant Representative on the Brookline Rent Board, and Former President of the Brookline Tenant Union at the time that we lost rent control. Since then, I have worked with folks in need of affordable housing and have seen the need for more housing, especially affordable, increase. When I moved to Brookline in 1980, I was a young teacher at BU & at another school and not earning very much. So, I was lucky to find a rent-controlled apartment with a roommate in order to cover my rent. The only way that I could stay in Brookline after we lost rent control was with the help of my parents to buy an apartment. Otherwise, I don’t know where I would be living but I know I couldn’t have stayed in Brookline – the place I’ve called home since 1980. Also, as a non-driver, it has been important for me to live near public transportation and I know that many of my neighbors depend on public transportation, which also allows us to reduce the negative impact on the environment.

I have watched as friends have had to move away in order to find a place to raise their families and many have had to take on long commutes. I want our community to be stable and avoid the turnover that has come from people being priced out of their homes and neighborhoods. By passing the amendment as agreed upon by both Yes in Brookline & Brookline by Design, I believe that we can do that – so I urge you to take favorable action on STM 4, Warrant Article 1. Thank you.

Al Raine, Brookline for Everyone Board Member. Summarized the comments sent earlier and linked below.

Jonathan Klein, Brookline for Everyone Board Member, endorse everything Al Raine and others have said. Congratulations to the Select Board and negotiating team for working hard to come to an agreement. Urge you to try to work with that agreement and approve the article as amended by the Select Board. We have a housing crisis and a climate crisis that is severe. We need more housing. It is a critical need and hope you understand the urgency of that.

Awat Teame, TMM Precinct 4, raised by a single mother in Mission Hill area, Mission Park. Grew up feeling very safe, no problems getting to school. Mother had not difficulty getting to State Street where she worked. Grateful to Mission Park and hope affordable housing units that may be built on Harvard Street will have similar programming as Mission Park offered to seniors and others. Grateful for public transportation.

Deborah Brown, Board President of Brookline Community Development Glad a compromise was reached. Would have appreciated more affordable units but this is a good start. Advisory Committee has a responsibility to the entire Town. This is trying to undo exclusionary practices in this Town. Every time there is a delay it costs money and when you are talking about affordable housing, there are no deep pockets behind you. What is the hesitation on the AC's part to move this forward? Racism? Traffic? What is your fear? Support a policy that supports all of Brookline.

Barbara Gutman, Resident of Precinct 15 and former TMM, I want to express my strong support for the recent agreement reached by two housing advocacy groups in concerning the compliance plan for the MBTA Communities Act. This collaborative effort represents a significant step towards addressing the housing challenges faced by our community. I also wish to highlight the importance of form-based codes within the Harvard Street Zoning proposal, as they are essential tools to protect the character of our neighborhood while encouraging responsible development.

The MBTA Communities Act, which has dominated our town's housing policy discussions over the past two years, is a critical piece of legislation aimed at fostering zoning changes that boost multifamily housing capacity. This legislation is paramount in ensuring a more inclusive and sustainable future for Brookline.

The consensus plan resulting from the recent agreement, with the support of Select Board member Paul Warren's, addresses concerns raised by critics of the Harvard Street rezoning while preserving the architectural heritage of our community. Form-based codes included in the Harvard Street Zoning proposal are the most effective tools at our disposal to ensure that new developments align with the character of the neighborhood we wish to cultivate.

These form-based codes are not only essential for preserving the unique character of our neighborhood but also for encouraging neighborhood engagement and ensuring that building usage and layout enhance streetscapes before development begins. This approach serves as an exemplar for other neighborhoods in Brookline, such as P15, where careful planning and zoning are equally vital.

Furthermore, it is worth mentioning the chapter 40B proposal filed for properties at 621 & 625 Hammond Street, 8, 14 & 18 Sheafe Street, and 545 Heath Street. This proposal highlights the pressing need for comprehensive planning and

responsible development. By supporting the compliance plan, we have an opportunity to set a precedent for cohesive and sustainable housing development. I hope you will vote favorable action on STM4-1; to support this consensus plan, This is an opportunity for Brookline to demonstrate unity among housing advocacy groups and a shared commitment to our community's prosperity. Thank you for your time and commitment to our community's well-being.

7:15 pm Preview and discussion of MBTA-CA Warrant Articles

David Pollak, Chair of the Ad hoc Subcommittee opened the discussion with an overview of the various articles and how they fit together and offered a little history. He shared a quick recap of their October 19 subcommittee meeting earlier and previewed plans for next Tuesday's meeting.

STM1 Articles 4 and 5 are identical – 2 versions of the same article.  
STM 1 Article 3 not being moved, and is replaced by STM 4, Article 1.  
STM 4 Article 1, is the main focus.

The Ad Hoc Subcommittee met September 26, October 11 and October 18 and will meet again October 24. Working in parallel with Brookline by Design and Yes in Brookline teams. STM 4 Article 1 has been amended and voted by the Select Board.

The Subcommittee ran out of time so scheduled another vote noon on Tuesday to conclude the work and bring a recommendation to the full AC. The subcommittee voted to adopt the amendments and three recommendations made by EDAB and picked up some scriveners' errors. Reviewed EDAB and Dick Benka's memo which they will discuss more fully next week.

The Planning Board met but they only took up M Plus last night. Grumbling about design guidelines in M district overlay. Don't like all the restriction and required traditional architecture but may not do anything about it, didn't take any votes but generally in favor. They will take up Harvard Street next week.

Speculate on how this might happen, how articles will unfold at Town Meeting. Single debate possibly over two nights. First votes will be on STM 4, Article 1. That will require 2/3 vote. If it passes, that's it. If that fails, next would be STM 1 Article 4 or 5, the fall back plan. Compliance plan of M districts and Housing Authority properties.

## **QUESTIONS COMMENTS DISCUSSION**

Q: Do we have a directive that is certain? Y: Everything before us requires a 2/3 vote.

Any amendments to article 4 or 5 could satisfy requirements to have a 50% vote. Anecdotally the 2/3 is because of design guidelines.

Associate Town Counsel clarified that this conjecture is based on discussions with the AG's office. AG talked through the issues with us on multiple calls, focused on M Plus district, once it was clear Harvard Street would allow for 100 % commercial uses. The AG raised the issue of the design requirements that might push it out of the voting threshold for affordable housing requirements.

Director of Planning & Community Development Kara Brewton shared an overview about district overlays and other information regarding STM 4, Article 1. She discussed M-Districts, Walnut High, and Emerald Island and efforts that were

researched but abandoned for various reasons. She highlighted potential areas. The slightly edited presentation that she gave to the Preservation Commission (which has been circulated) is linked at the end of these minutes.

## **QUESTIONS COMMENTS DISCUSSION**

Comment: Existing affordable housing bylaw for smaller projects 10 units or less, you are able to make a payment to the Affordable Housing Trust Fund. 4 or more units if built on Harvard Street, affordable units have to be on site but not in the M-District.

Q: In Harvard St zoned area there cannot be any age restrictions on any new development. Can a developer opt to do an age restricted building by special permit? A: Someone can do one, zoning doesn't prevent them it doesn't restrict it has to be 62+. Can be age-restricted but the local municipality cannot require it.

Q: Is there anything that would guarantee that developers produce any affordable housing? A: Yes if 4 or more units it would be required on site. We are not allowed to restrict the size or have a minimum number of units. But there is language that the number of stories must be the same number of units. So that is our work around.

Q: Rough estimate of likely range of affordable units that may be created? A: I don't have it right now, but can get that range for you.

Q: Are we going to have any kind of fund to help small commercial businesses that may be displaced during construction? A: Not part of the zoning proposal but hope some municipalities have had programs in place but have not been shown to be successful. Businesses cannot sit around and wait. Best thing we can do is that our commercial real estate owners network with the right people – most get leased without ever going on the market. Knowing the realtor network, properly owner network and other business owners. Keep them in business and in Brookline.

Q: Concern about Jewish shop owners being displaced? A: This can happen with or without zoning changes. Encourage you to speak with those businesses directly and encourage them to get involved and speak up for themselves. They can give you a sense of their decision-making.

CLARIFICATION: Need to have a shared understanding of the math about housing production. There is nothing anywhere in any of these articles about producing 6,990 units. The math is a total projected potential build out of 950 total units. How many would be affordable, Brookline Housing Authority is projecting 75 to 125 subsidized properties. Everything else is inclusionary zoning.

Q: Payments in lieu of units on site – under what conditions is it still allowed? It is the law today and it stays the way it is now. 10 or more units anywhere in town then affordable units must be on site.

Q: Are we thinking of doing anything within our commercial areas to come to these areas? Large sidewalks, anything like that? A: During COVID our economic development division is moving forward with some projects funded by ARPA funds, art work, pop up retail, larger infrastructure issues – Center Street lot and Coolidge Corner area including a parking study. Meredith Mooney is running these initiatives.

Q: With affordable units is the assumption that those are rental? A: No, only that they are listed with EOHLIC as part of the inventory and they are deed restricted.

Q: If M Plus puts us in compliance whatever we are doing on Harvard Street should be independent of MBTACA requirement. Why can't we set our own rules for what we can do with Harvard? A: The Town Administrator's response is linked below.

Q: What if we don't comply? What are the penalties? A: What has happened in other communities – Holden is being taken to court by Lawyers for Civil Rights. The basis for those types of cases that the entirety of land use decisions your community has made has had a result that families or people of color are disadvantages. Those take years and years to rectify. Signals getting from the State is they want everyone to be successful.

Regarding compliance, while the State will have its hands full looking at all these Zoning amendments, the private group that brought a lawsuit did it expeditiously. The Select Board feels we finish Town Meeting in compliance and we may be facing an imminent lawsuit.

Kara showed Maria Morelli's seven-minute **Harvard Street Plan Overview Presentation** from 9/26. The slides are linked below.

Linda Olson Pehlke presented the amendments that were developed by the BBD/Yes!/Paul Warren group in detail as well as the smaller amendments mentioned above. Her presentation is linked below.

How many and what got changed – listing of the parcels – eliminating use for short term rentals. Didn't jibe with regulations we passed previously but everyone agreed that we don't want tourist housing but long-term housing.

Q: From the perspective of a residential abutter, what are they looking at now and what will they be looking at after this? Better off or worse off in terms of proximity to a commercial building? A: We would have to go measure all of these parcels to answer that question.

Maria Morelli answered: We did a microscale analysis – say there are 125 parcels on Harvard street and half are 1-2 stories and the other half are 3-4 stories and these have shallow setbacks. 1 story buildings are close to the rear lots so nonconforming. Some have deeper setbacks because they have parking in the rear but those are rare. A consultant had a number of workshops for neighbors so they could understand what each of these setbacks would mean.

The subcommittee adopted three changes that EDAP recommended and will look at additional suggestions at their next meeting. They will come with recommendations to the next Advisory Committee meeting.

8:30 pm          Other Business

**Meeting recording link:** [https://brooklinema.zoomgov.com/rec/share/-O4yoLkj\\_ymC6siRDE2REFceDCcrvclqHnuk0IHQYkYbnI\\_PcC08cbO1oWV7eirV.sMbgCUtLdnvg8SU0](https://brooklinema.zoomgov.com/rec/share/-O4yoLkj_ymC6siRDE2REFceDCcrvclqHnuk0IHQYkYbnI_PcC08cbO1oWV7eirV.sMbgCUtLdnvg8SU0)

**Documents Presented:**

<https://www.brooklinema.gov/DocumentCenter/Index/4776> NEW DOCUMENTS

- 2022 IZ Rents and Income
- 2022 HUD Income Limits
- 2023 10 17 Chas Carey Email Response
- EDAB Motion on STM 4 WA1\_10-16-2023\_w attachments

- Signed - BBD\_YIB agreement to SB and AC 10\_16 V5.BBD. Signed
- 1011-2023 Advisory Land Use Sub
- AC.Sub.10.18.23.Benka
- Copy of Boston-Metro Housing Starts 2014-2023
- Gladstone Email Re Boston Metro Housing Production 2014 2023 US Census Permits Report 10 17 23
- Planning Dept Presentation to Advisory 10-19-23
- 2023-10-19 Rubenstein Advisory Committee Presentation
- JFK Crossing Businesses Letter re MBTACA Articles
- Amendment V6 10-19-23

<https://www.brooklinema.gov/DocumentCenter/Index/4641> PREVIOUSLY SHARED DOCUMENTS

- Questions for petitioners WA 3 Pehlke 9.16.23
- EXPLANATIONS FOR WA 3 - 4 -5 MBTACA
- 9.19.23\_SB\_MEMO\_STM4
- STM4 - ARTICLE 1
- Land Use Questions for MBTA act articles - Mark Penzel
- MBTA CA articles 3-5 preliminary questions K Hardebeck 9.20.23
- E-Lg Format Map for MDistrict strategy WA5
- Article 5 - M-District Plus - Presentation - Linda Pehlke
- BBD - Harvard St Rezoning - Proposed Amendments Version 9.23.2023 STM4WA1
- R.Benka.Memo.HarvSt.Issues\_

<https://www.brooklinema.gov/DocumentCenter/Index/4773> PUBLIC COMMENTS

- Public Comment on MBTA-CA Consensus Warrant Article
- Additional Public Comment on MBTA-CA Consensus Warrant Article
- Public Comment WA 1 STM 4 and MBTACA Articles
- Public Comment on MBTA-CA Gurspan
- Public Comment on STM 4 Art 1 Goldman
- Yes in Brookline AC Comments Oct 19
- Public Comment on MBTA-CA October 19

NO VOTES WERE TAKEN AT THIS MEETING.