

**Town of Brookline
Advisory Committee Minutes
Tuesday, October 24, 2023**

Present in Person or on Zoom: Michael Berger, Paul Bernard, Ben Birnbaum, Harry Bohrs, Clifford Brown, John Doggett, Dennis Doughty, Katherine Florio, Harry Friedman, David-Marc Goldstein, Neil Gordon, Susan Granoff, Perry Grossman, Alisa Jonas, Carol Levin, 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: Kelly Hardebeck, Amy Hummel, Pam Lodish

Also Attending: Deputy Town Administrator Melissa Goff, Director of Planning & Community Development Kara Brewton, Senior Regulatory Planner Maria Morelli, Associate Town Counsel Jonathan Simpson, Jonathan Klein, Katha Seidman, Michael Rubenstein, Carla Benka, Karin Weaver, Fran Perler, Phyllis O’Leary, Ben Dubin, Al Raine, Paul Saner, Jenny Lewis, Bob Miller, John Hebert, Jonathan Davis, Marilyn Newman, Marion Freedman-Gurspan, Yolanda Rodriguez, 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: I’m a Board member of Brookline for Everyone, I’m part of the Yes in Brookline Strategy Team, and I served on the MBTACA Multi-Family Permitting Committee. I am here today speaking only for myself.

Like the rest of the Greater Boston Area, Brookline has a housing crisis. Like all people on the planet, Brookline is confronted by the climate crisis. And something that often gets unmentioned, Brookline also faces an ongoing fiscal crisis. The gap between revenue and expenses grows from a projected deficit of 2.4% in 2024 to a deficit of 8.5%, or \$11 million. We urgently need to address these crises now, and not defer implementing solutions any longer.

Today, in his newsletter, Select Board Member Mr. VanScoyoc wrote about the singles scene on Harvard Street. He referred not, as he said, to that singles scene, but the single-story commercial buildings along Harvard Street. They represent one of the major reasons the Planning Department began studying the Harvard Street corridor: given the potential for development on those lots, why has Brookline permitted only one development on Harvard Street in the last 20 years? The other 4 developments built during that time have been 40Bs, which are developed using state codes, with only marginal input allowed from the Town.

Almost all Brookline’s commercial areas are, basically, early 20th century single-story strip malls. And, like all malls, they require lots of destination parking to be viable, because our zoning has prevented their development into mixed use multifamily neighborhoods near transit. Some have lovely architecture, but all are relatively old buildings and represent significant under-realized potential for increased commercial activity and housing.

These underutilized lots with single-story commercial buildings on Harvard Street are the perfect place for Brookline to begin to address the climate crisis, the housing crisis and our fiscal crisis. Obviously, we won't solve either of those crises overnight. In fact, to address the housing crisis and our fiscal crisis the best time was at least 20 years ago. To address the climate crisis, we should have started 30 years ago. But, as the saying goes, the second-best time to start is now.

Broadly speaking, new development is the only meaningful mechanism Brookline has to change the trajectory of its financial deficit. Currently, 80% of Brookline's revenue comes from real estate taxes. Bluntly speaking, we need to find other ways to increase the amount of revenue we get from our dirt. The only way to do that is to permit denser use on our underutilized lots, improving our commercial districts, raising the value of those lots, and thus increase the town's revenue from those lots.

Special Town Meeting 4, Warrant Article 1 starts the process of changing the status quo so we can explore new solutions to the climate crisis, the housing crisis and Brookline's fiscal crisis. I urge you to vote favorable action on STM4-1.

Michael Rubenstein: Thank you for the opportunity to speak. I am a Town Meeting Member from Precinct 13 and a member of the Yes In Brookline Strategy Team. The Advisory Committee serves as the Town's Finance committee, but, as much of the conversation in the Advisory Committee has been focused on costs to the town and how to support our commercial businesses, it is equally important to remember those of us who are burdened with high housing costs.

The estimated 800 units of new housing on Harvard Street won't solve everyone's problems, but it will create opportunities that make a real difference in people's lives. Here are some Brookline residents who will be able to take advantage of these opportunities for new housing:

- The family living in a two-bedroom apartment with two small children, trying to figure out what to do as the children grow older.
- The family with one child that have decided not to have another child so that they can remain in Brookline.
- The family with one child that is going to move out of Brookline so that they can have the family that they want.
- The couple with an aging mother who can only afford to live an hour and a half away.
- The many couples who have raised their children here and see that their children will never be able to afford to live in Brookline.
- The mother with disabled children who can't find them housing so that she can care for them as she ages.
- The young person living with their mother in public housing who can't afford to get their own apartment.
- The families that are curtailing their other economic activity—food, clothing, travel or entertainment—because too much of their income goes right back out the door to pay for the door.

Each of these families is a missed opportunity for a more vibrant community. We must ensure that our town no longer stands in the way of such opportunities for our families and our community. I urge the entire Advisory Committee to support favorable action on Special Town Meeting 4, Warrant Article 1. Thank you.

Jonathan Klein, TMM 17, Endorse and agree with previous speakers' comments.

- 7:15 pm Discussion, deliberation, and possible vote on MBTA-CA Warrant Articles
- 3 MBTA CA – Harvard Street (Select Board)
 - 4 M District (Select Board)
 - 5 M District duplicate (Pehlke et. al) and
 - STM 4, Article 1

David Pollak, Chair of the Ad Hoc Subcommittee shared and elaborated on a slide set prepared by Kelly Hardebeck that summarizes and clarifies the articles. The 4 slides are linked at the end of these minutes.

QUESTIONS COMMENTS DISCUSSION

Q: CC1.75 Zoning. Some of the properties would come under new zoning but what about other districts? A: CC1.75 is the general business area in Coolidge Corner. We don't have some of the parcels in the Harvard Street Zoning plan. Harvard Street zoning does not mandate residential. You would be allowed 100% commercial up to 4 stories which allows for expansion of commercial tax base. Existing zoning metrics preclude you from building whether by right or special permit. As soon as you have 4 units you are required to get permit.

Q: Why not put this as two separate articles? A: This is the Select Board's article and they put forth a consensus plan that meets their goals.

Q: Where you have an increase in use for the zone near the Muddy River, has it considered the height of buildings and the effect it would have on the renovation? A: Kara Brewton responded the proposed amendment does not change any dimensional requirements, it only expands uses that access those bonus heights.

Q: Has anyone done an economic analysis about extra residential and property taxes, and related expenses and what the net is regarding all of that? We haven't had any financials to look at regarding any of this. A: Meeting on that topic on Thursday.

Q: Trouble reconciling certain facts with attractive selling points that Harvard up zoning would help people stay in Brookline, address increasing housing costs and contribute to diversity. A: Maria Morelli responded that we studied this district which is a main street district. Block scale buildings not triple decker houses.

Comment: As a Town we do need revenue and we are fiduciary stewards. Not sure we can vote on this without understanding costs. Agree with more housing but don't think we are doing justice to the Town.

Maria Morelli responded, one thing we look at when we are trying to right size the scale, looking for the least amount of intervention for a positive effect. It is about pace of development. We gauge this with logic. Discussed with different segments of the population to get their feedback. Different things that will promote the investor to develop to 4 stories. There are many that will not be tempted to redevelop to 4 stories. 4 Stories was the sweet spot. Enough people interested to determine if it worked for them. Anything more than that would increase the pace of redevelopment. Not change happening all at once but more like 3 projects in 10 years so we don't think that pace would increase displacement, affect infrastructure, etc. It also takes a while to permit things.

Comment: Emerald Island looks like it is difficult to develop because of size and shape and right on a 100-year flood plain. Inclusionary zoning was in place everything was just one unit below the requirement for affordable housing. Skeptical about "small A" affordable housing to create a whole spectrum.

Comment: Brookline by Design did want to encourage smaller units but it was deemed out of scope but a lot of people still see it as a good idea since we don't see so many small units. It makes sense given more people living alone, decrease in household sizes, etc. Would like to see it at some point.

Melissa Goff noted that the Town Administration works on our annual forecast, engage with Department Heads regarding service levels they need. Cannot come up with reasonable financial impact give so many variables. Even with known

zoning and overrides, we still missed the mark with Brookline Place. But we will review this further with the working group.

Q: You said you estimated three redevelopment projects over a 10-year period – is this only Harvard Street? A: Only Harvard Street.

Q: How many affordable units are likely to result from those 3 developments? A: Lots that are 10K square feet will be most appealing, most return on investment. Things don't pencil out at 4 stories right now due to interest rates. 4 stories is conservative but the economy is putting the breaks on construction and redevelopment. Looking at things that are not in that core section of Coolidge Corner. We don't know how long these commercial leases are – could be 5, 10 or 20 years and no landlord will break a lease. So that also puts on the brakes also. 30 units – 90 units in 3 years, 5 affordable units in each project. Going through permitting alone can go through a year, year and half, - pace of the project slows things down. Many factors effect the pace of development. No one has a crystal ball.

Q: How many lots are 10K square feet or more? A: About 23. 800 units, 15% of that is affordable.

Q: For Melissa, can you provide an overview of what will be presented to the group on Thursday regarding financial impact?

Q: Is assumption more residential on the upper floors? A: Brick and mortar retail are having a difficult time so allowing businesses to expand use – don't want regulations to get in the way of that. Restaurant wanting to add space for catering or take out, for example. Get ahead of trends – if retail is sensitive to market downturns, an owner may have a complementary use to insure regular income. Don't want to make too many assumptions but want to make the zoning flexible.

Comment from Kara Brewton: If we were to assume conservatively that no one is going to build commercial more than one story, many property owners on Harvard Street are not looking to flip the property. Many have owned the property for generations and motivation is for a steady income stream. They are probably not going to be incentivized to build condos and don't want to be in residential business or property management. Even if we were to assume everything was going to be residential, assumption that new construction might attract higher rents is not necessarily correct. Even if we talk about net new residential happening on Harvard Street in this given year in this economic climate, one of our consultants who does this type of analysis RKG expects if they model all 800 units build in one year, we would actually see a net positive. However, I don't think that all of those assumptions packaged together is a useful model to lean on. Unknown timeframe. We are not going to see all of these unit built and not in one economic cycle or one year. We need to plan for marginal costs in the short term. Fiscal impact studies by consultants make big assumptions with data they have and they make a range of assumptions, and they suggest this would likely be a different housing product than Hancock Village. Consultants would also interview department heads like Police, Fire, Schools, etc. to determine impacts – what are some short falls, pressures on public services, etc. School demographers typically don't consider zoning changes as something that would impact school enrollment but rather immigration policies, other trends in public schooling, post COVID developments, etc.

Comment: Chapter 11-9 The site plan review is a check list where you show you have to comply. Standards are in other chapters. We have to be practical about what you can do in an urban area.

Comment: We should focus on quality of life to encourage people to come to the commercial areas. Coolidge Corner Theatre is a good example. Urge us to work on those spaces.

Comment: It looks like we are doing four things – comply, inclusive communities, regenerating Harvard Street to potentially make it more attractive, rejuvenate the Emerald Island area.

Planners are trying to tell us this is at a minimum a ten-year process and we have virtually no open space. Never going to overcome the affordability issue on our own since it is more of a regional issue. Support M Plus and Harvard Street because it will move us forward. Don't think we need to wait on someone's guestimates which will be just that, guesses.

Comment: Regarding the Coolidge Corner Theatre I want to provide some historical context – late 80s a private developer was going to buy it. I can't remember what he was going to be doing with it. In those days, the interest rates were like 13-14% and it was actually the Hamilton Charitable Foundation that bought that building and did it below market and got tax exempt financing to make that commercial property viable and preserve it for the Town. So, the kind of incentive system that EDAB has proposed by letting property owners charge a higher 70% AMI, if they help subsidize the build out of the commercial space that is the kind of thing that needed to be done. At other times in the community's history can really have important consequences in supporting the kind of commercial area that all of you want. So I just wanted to add that little story to the narrative here and hope that you support these proposals. Thanks.

Q: Residential is taxed separately from commercial? A: Yes.

Comment: Feel this is not ready for prime time. Need to understand fiscal impacts. I don't understand the linkage between being in compliance and doing the Harvard Street redevelopment but done without some arbitrary and unnecessary deadline. Recommend favorable action on M District and defer decision on Harvard Street until we understand fiscal impacts. Too much uncertainty and incompleteness of information. Another 6 months will not change anything substantially.

Presentation of Amendments

The Ad Hoc Subcommittee recommended favorable action unanimously on the amendments. Linda Olson Pehlke and John Doggett presented the amendments and highlighted changes.

The Index of the Amendments to STM 4 WA 1 and the description/explanation of the changes are linked below (24 pages).

“Consensus” with Commercial Mandate on First Floor in All Zones, Index of Amendment Elements

1. Ground Floor Commercial Standards and Guidelines - Page 2
2. Commercial Mandate and Use definition – Page 2
3. Ground floor Commercial mandate – Page 3
4. Remove selected parcels from Maps and Lists – Page 4
5. Eliminate Short Term Rentals as an allowable use – Page 12
6. Change H-MS & H-MS-O Required Rear Setbacks and Provide for Abutting Parcels to Harvard Street lots – Page 13
7. Change H-MS and H-MS-O Required Rear Stepbacks – Page 14
8. Change Required H-MST Rear Setbacks and Provide for Abutting Parcels to Harvard Street lots – Page 15

9. Change H-MST Required Rear Stepbacks - Page 16
10. Parking Requirement Changes to Use Table – Page 17
11. AMI Scrivener’s Error – Page 18
12. FBC Article XI Scrivener’s Error – Page 18
13. Explanation – Page 19

QUESTIONS COMMENTS DISCUSSION

Comment: Several issues – first is with compliance – both articles complied with the MBTA CA. No problem with the original statute that states we should have multifamily housing near that public transportation. Problem that the State has issued guidelines to the Town and says we don’t comply. If we did not comply it is possible we could lose some grant funding and possible we could be sued by civil rights lawyers. But people get sued every day that is how you work out in the legal system what the law is and that is why we have Town Counsel. If I were to vote for one, it would be for M Plus. It complies if that is the goal. Why we have to throw in a complicated Harvard Street article is confusing. My fear is that the Harvard Street will mess up the good that we already have there with our small businesses. Leave Harvard Street alone.

Comment: As an Advisory Committee I don’t think we should be advising that we potentially violate the law.

Comment: We are in compliance with the intent of this law. Boston seems to be exempt.

Comment: Maria Morelli noted that Boston has its own Enabling Act and is not subject to MGL40A c.3A, the Zoning Enabling Law.

Comment: Appreciate all of the work the subcommittee and staff have done on these articles and clarifying the complexities. Still, what is the rush? We will be living with the consequences of our decisions so we need to study this more thoroughly than we have done. Still a lot of uncertainty and it is a very complex plan. Worry about lives at stake – commercial tenants – protecting them from relocation. Unintended consequences that we don’t have a clue about now. Considering the street we are making this proposed change on and the complexity and number of unknowns, rational thing is to postpone it. We owe it to residents and tenants in the commercial block to have more definitive answers.

Comment: Recommend that everyone read the letter of support from the Coolidge Corner Merchants Association. Also letters from Jewish merchants. Nothing in our records from merchants in opposition to the plan.

Comment: This has been going since last January. I can support this proposal because in part it has the support of the merchants, in part because of the incentive program put in place, and mostly because it is an opportune time to do something different, because it is going to be a really long time before there is any substantial developments from these changes. As a realtor noted issues about tax basis and the disincentive to sell. From a Real Estate professional perspective, the arguments here are nothing more than scare tactics and we should have more foresight. Support the Consensus Plan because it was developed by a team of different groups and that is unique and we should support this.

Comment: Agree with everything said by Cliff about real estate, folks who don’t want to vote for the plan on Harvard Street is discomfort with change of the things they are familiar with. But change is going to continue to happen. Proposals for Harvard Street will be positives for new commercial business and in the rare case when something gets redeveloped so I support the combined plan.

Comment: Support combined warrant article as amended by the subcommittee. How we got here – 6 months or so ago reform-based zoning for Harvard Street. I was co-petitioner of Article 24 last May. The petition was opposed not to the Harvard Street rezoning but was opposed to the guidelines at the time that prevented ground for commercial or the mandating of ground commercial. The Select Board appointed a committee. The reason this is a so-called consensus article is because Town staff, merchants, the Advisory Committee, the Select Board and Town Meeting and everybody else worked to come up with a viable plan. Many would see the M District Plan as not supporting sufficient housing. I support the rezoning of Harvard Street. There will not be a rush to redevelopment as most are family-owned properties. The proponents who believe this will solve affordable housing crisis will be disappointed. It will not do that. Retail as we know it, and small local businesses, support this. This will create housing very slowly. But it is a good plan and in the right direction. Allows for more housing whether we get it or not. Don't see any down sides to this. Right direction without the sky is falling risks we are hearing.

Comment: Change is going to happen and just accept it.

A **MOTION** was made and seconded for Favorable Action on STM 4, Article 1 (The Consensus Plan) as amended by the Ad Hoc Subcommittee except for Item 1 (deemed out of scope by the Moderator). By a **VOTE** of 15 in favor, 9 opposed and 1 abstention the Advisory Committee recommends Favorable Action on STM 4, Article 1 as amended.

Thanks to John Doggett and Linda Olson Pehlke for pulling this document together and negotiating with the Moderator.

A **MOTION** was made and seconded that in the event that STM 4, Article 1 (the Consensus Plan) fails to achieve a 2/3 favorable vote, Advisory Committee recommends Favorable Action on STM 1, Article 4. By a **VOTE** of 24 in favor, 1 opposed and no abstentions, the Advisory Committee recommends Favorable Action on WA 4.

A **MOTION** was made and seconded that in the event that STM 4, Article 1 (the Consensus Plan) fails to achieve a 2/3 favorable vote, Advisory Committee recommends Favorable Action on STM 1, Article 5. By a **VOTE** of 24 in favor, 1 opposed and no abstentions, the Advisory Committee recommends Favorable Action on WA 5.

8:30 pm Other Business

Upon a **MOTION** made and seconded to adjourn, and voted unanimously, the meeting was adjourned at 10:02 p.m.

Meeting recording link: https://brooklinema.zoomgov.com/rec/share/mleSKaa2AOJUNX9GuXtEII6rOkUJLq5Pf8v-OMSi6zYGOmJ-OADZgX0uRFTZKVVA.I4pTD3__sNqYe5Lc

Documents Presented: <https://www.brooklinema.gov/DocumentCenter/Index/4776>

NEW DOCUMENTS

- MBTA CA Article Overview
- Coolidge Corner Merchants Associate Letter
- Amendment to STM 4, Article 1 V10
- Bernard Greene Email
- 10 23 23 K Lewis Comment
- EDAB Memo RE Follow-Up Recommended Amendments to STM4 WA1 10-23-2023[30]
- AC ADSC V4
- 10 23 23 L Olson Pehlke Email Re Housing and Population Growth

- Housing and Population Growth 2010-2020
- Chapter 11-7- Use Standards and Use Table 11-7.02.A Use Table - Harvard Street Zoning STM4-WA1
- 10 24 23 letter to select board in in support of the MBTA proposal for Harvard Street November 2023

PREVIOUS MEETINGS

- 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

VOTES

| | Vote 1 | Vote 2 | Vote 3 |
|----------------------|---|---|---|
| # Votes Yes | 15 | 24 | 24 |
| # Votes No | 9 | 1 | 1 |
| # Votes Abstain | 1 | 0 | 0 |
| Vote Description: | MAIN MOTION: FAVORABLE ACTION ON STM4-1 as amended by the subcommittee (except for item #1 — out of scope) | IN THE EVENT THAT STM4-1 FAILS TO ACHIEVE A 2/3 PASSING VOTE, RECOMMEND FAVORABLE ACTION ON STM1-4 | IN THE EVENT THAT STM4-1 FAILS TO ACHIEVE A 2/3 PASSING VOTE, RECOMMEND FAVORABLE ACTION ON STM1-5 |
| Michael Berger | N | Y | Y |
| Paul Bernard | Y | Y | Y |
| Ben Birnbaum | Y | Y | Y |
| Harry Bohrs | Y | Y | Y |
| Cliff Brown | Y | Y | Y |
| John Doggett | Y | Y | Y |
| Katherine Florio | Y | Y | Y |
| Harry Friedman | N | N | N |
| David-Marc Goldstein | N | Y | Y |
| Neil Gordon | Y | Y | Y |
| Susan Granoff | N | Y | Y |
| Perry Grossman | Y | Y | Y |
| Kelly Hardebeck | | | |
| Alisa Jonas | A | Y | Y |
| Carol Levin | Y | Y | Y |
| Pam Lodish | | | |
| Joslin Murphy | N | Y | Y |
| Donelle O'Neal, Sr. | N | Y | Y |
| Linda Olson Pehlke | Y | Y | Y |
| Markus Penzel | Y | Y | Y |
| David Pollak | Y | Y | Y |
| Stephen Reeders | Y | Y | Y |
| Carlos Ridruejo | N | Y | Y |
| Lee Selwyn | N | Y | Y |
| Alok Somani | Y | Y | Y |
| Carolyn Thall | N | Y | Y |
| Christine Westphal | Y | Y | Y |
| Dennis Doughty | | | |